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1 SUPERIOR COURT OF NEW JERSEY
2 LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO.: MID-L-2068-06

3 ERNEST HORVATH,
4 Individually and as
5 Executor of the Estate
6 of his wife,
FRANCIS HORVATH,

Plaintiff,

vs.

CHEVRON USA, INC.,

Defendants.

VIDEOTAPE
DEPOSITION UNDER
ORAL EXAMINATION
OF
STANLEY DRYDEN

10 TRANSCRIPT of the deposition of the witness,
11 called for Oral Examination in the above-captioned
12 matter, said deposition being taken pursuant to
13 Superior Court Rules of Practice and Procedure by
14 and before MARC BRODY, a Notary Public and Certified
15 Shorthand Reporter of the State of New Jersey, at the
16 offices of McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP,
17 1300 Mount Kemble Avenue, Morristown, New Jersey, on
18 Tuesday, September 25, 2007, commencing at approximately
19 10:00 in the forenoon.

20
21 BRODY DEPOSITION SERVICES
22 Certified Shorthand Reporters & Videographers
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I N D E X

1		
2	WITNESS	PAGE
3	STANLEY DRYDEN	
4	Direct by Mr. Placitella	11
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		

1	E X H I B I T S		
2	NO.	DESCRIPTION	PAGE
3	P-1	Deposition Notice	11
4	P-2	Document dated September 16, 1968	11
5	P-2A	Management Newsletter, August 1972	11
6	P-2B	Management Newsletter, August 1972	11
7	P-2C	Management Newsletter, August 1972	11
8	P-2D	Guide for Ordering Personal Safety Equipment	11
9	P-2E	Guide for Ordering Personal Safety Equipment	11
10	P-2F	Guide for Ordering Personal Safety Equipment	11
11	P-3	Dust Producing Operations in the Production of Petroleum Products and Associated Activities by Roy S. Bonsib	66
12	P-4	Carcinogenic Hydrocarbons and Related Compounds, A Literature	87
13	P-5	Review dated July 2, 1945 Occupational Cancer, A Challenge to the Physician	87
14	P-6	Summary of the Plant Industrial Hygiene Problems dated April 12, 1949	87
15	P-7	Appendix A To Minutes of 13th Meeting Of Medical Advisory Committee entitled Memorandum on Measures for the Control of the Hazard Associated with Carcinogenic Materials and Products In the Petroleum Industry	96
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			

E X H I B I T S

	NO.	DESCRIPTION	PAGE
1			
2			
3	P-8	Medical Advisory Committee Reports And Publications, 1943-1955	99
4			
5	P-9	Malignant Mesothelioma of the Pleura by H.B. Eisenstadt, M.D.	101
6	P-10	Primary Malignant Mesothelioma of the Pleura by H.B. Eisenstadt, M.D. and F.W. Wilson, M.D.	103
7			
8	P-11	Occupational and NonOccupational Exposures to Asbestos by W.C. Hueper	108
9			
10	P-12	Shell Oil Document dated November 22, 1965, Subject: Health Hazards from Asbestos	113
11			
12	P-13	Memorandum dated October 23, 1973, Oak Point Safety Program	118
13	P-14	Document dated November 13, 1973, Safety Audit, Oak Point Plant	127
14			
15	P-15	Industrial Work Clothes: Their Provision and Laundering by Roy S. Bonsib, dated January 28, 1948	130
16			
17	P-16	Article entitled, Asbestos Is Described as Killer Time Bomb Dated February 26, 1973	135
18			
19	P-17	Memo dated February 13, 1973, Comment on articles re: Asbestos in newspapers	136
20			
21			
22			
23			
24			
25			
26			

1 S T A N L E Y D R Y D E N,

2 2795 Ribera Road,

3 Carmel, California, sworn.

4 (Prior to the deposition, documents

5 P-2, P-2A, P-2B, P-2C, P-2D, P-2E, and

6 P-2F were marked for Identification.)

7 DIRECT EXAMINATION BY MR. PLACITELLA:

8 Q. Good morning. How are you?

9 A. Fine, thank you.

10 Q. I'm Chris Placitella. I'm here to take
11 your deposition in the Horvath case. I understand
12 you had your deposition taken before.

13 A. Yes, I have.

14 Q. At least two times or more than two times?

15 A. More than two times.

16 Q. How many times?

17 A. I would say five or six times.

18 Q. You are familiar with the rules of a deposition?

19 A. Yes.

20 Q. I'll ask you questions, you respond to the
21 best of your ability. If your lawyer objects, don't
22 answer the question until we can figure out what we
23 all forgot from law school a long time ago.

24 A. Okay.

25 MR. PLACITELLA: Mark this P-1.

 (The above document is marked as

1 P-1 for Identification.)

2 Q. I have a Deposition Notice in this case
3 marked P-1 for Identification. Have you seen this
4 before?

5 A. Yes.

6 Q. You are the person designated by Chevron
7 as the person with the most knowledge concerning
8 Chevron that includes Standard Oil of California's
9 historic knowledge of the dangers of asbestos and
10 the steps taken to protect those people forcibly
11 exposed to asbestos as a result of asbestos
12 installed or removed from Chevron industrial
13 facilities before 1976. Do you understand that?

14 A. Yes.

15 Q. Have you done anything to investigate the
16 areas of inquiry designated in this deposition
17 notice?

18 A. Yes, I have.

19 Q. What have you done?

20 A. I reviewed some depositions of myself and
21 other people regarding asbestos cases.

22 Q. What else?

23 A. I reviewed some documents that were
24 produced to you and were attached to one of those
25 depositions.

26

1 Q. When you say you reviewed the depositions,
2 I have been supplied with two sets of depositions.
3 The depositions of, I think, your former boss, John
4 Spence. Did you review that?

5 A. Yes.

6 Q. How many of his depositions did you
7 review?

8 A. I believe just one.

9 Q. You said you reviewed your own deposition?

10 A. Yes.

11 Q. Which deposition?

12 A. In a 1991 case.

13 Q. Did you review any of the other
14 depositions you have given?

15 A. No.

16 Q. Besides Mr. Spence's deposition and your
17 deposition, have you reviewed any other depositions?

18 A. There were two by Stan Judd.

19 MR. PLACITELLA: Do you have those because
20 they weren't supplied to me?

21 MR. LaSALA: We didn't receive a
22 request for deposition transcripts. We can
23 certainly get you the transcript of Mr. Judd's
24 deposition and if they are here, we can make them
25 available today. I have to check.

26

1 MR. PLACITELLA: I thought the
2 depositions were part of everything he reviewed, but
3 I'll have some reading to do at lunchtime.

4 Q. Did you do anything else in order to
5 repair for today's deposition?

6 A. I had some discussions here yesterday with
7 Mr. LaSala and Miss McDonald.

8 Q. Did you speak with any current or former
9 employees of Chevron or Standard Oil?

10 A. No. Excuse me. I did speak with Matt
11 Mostis of the Chevron law department.

12 Q. I have a series of documents that were
13 produced to me by Chevron. What I want to do is
14 hand them to you and to Mr. LaSala and tell me if
15 this is the sum total of the documents you reviewed.
16 From what I can tell, this is the only thing I was
17 given.

18 If you need more time you can do it over a
19 break or Mr. LaSala or Miss McDonald can take a look
20 at it. What I have been given are essentially these
21 documents marked P-2 A thru F.

22 MR. PLACITELLA: Maybe during the break
23 you can go over them and see if I'm missing
24 anything, but I don't think I am?

25 MR. LaSALA: Sure.
26

1 A. Excuse me. When I mentioned deposition,
2 did I mention a deposition by Dan Barber?

3 Q. You didn't.

4 A. I want to make the record clear on that.

5 Q. Since I had not been provided the
6 depositions, what, if any, significance to you was
7 the deposition that you reviewed of Stanley Judd in
8 terms of responding to this notice?

9 A. As I recall it was just background
10 information. Nothing specific about this case.
11 Background in terms of what Chevron's practices
12 were.

13 Q. What was significant about what you read
14 in Mr. Judd's deposition about Chevron's practices?

15 A. Nothing significant. Just added to my
16 general understanding or helped me remember my own
17 experience.

18 Q. And Mr. Barber, what, if any, significance
19 was there to you when you reviewed Mr. Barber's
20 deposition?

21 A. Mr. Barber said some things I didn't
22 remember myself.

23 Q. Would was Mr. Barber's position, if you
24 recall?

25 A. He was manager of the safety division of
26

1 Chevron Corporation or Standard Oil Company of
2 California, which became Chevron Corporation.

3 Q. Do you know what period of time?

4 A. From the time I joined the company and
5 before until sometime in the early '80s.

6 Q. What was the thing you remembered that he
7 remembered that --

8 A. When asbestos insulation was removed in
9 the field that it was wetted before removal.

10 Q. At what point in time?

11 A. He said from when he was -- even before he
12 was manager of corporate safety he was safety
13 manager at El Segundo and they were doing it at that
14 time.

15 Q. Am I correct each refinery was operated
16 autonomously?

17 A. Yes.

18 Q. And the practice of one refinery did not
19 necessarily mean that the same practice was used at
20 another refinery?

21 A. That's correct.

22 Q. Did Mr. Barber have any information as it
23 related to the Chevron facility or Standard Oil
24 facility in Perth Amboy?

25 A. I'm sure did he but I don't recall seeing
26

1 anything like that in the deposition.

2 Q. What about Mr. Judd, what was his
3 responsibility?

4 A. When I joined the company he was senior
5 industrial hygienist and he gave me work direction
6 in the first few years of my career at Chevron.

7 Q. Did you review any documents related to
8 Chevron's membership in the National Safety Counsel?

9 A. No.

10 Q. Had you ever seen any documents to that
11 effect in preparation for any of your prior
12 depositions or during the course of your work
13 history at Chevron?

14 A. When you say documents about Chevron's
15 membership, what do you mean?

16 Q. You were aware, I think you testified,
17 that Chevron was a member of the National Safety
18 Counsel, correct?

19 A. I believe I did, yes.

20 Q. When you worked as an industrial hygienist
21 for Chevron were you ever provided information given
22 to Chevron by the National Safety Counsel related to
23 the dangers of asbestos?

24 A. I don't recall seeing anything like that.

25 Q. Chevron was a member of the American
26

1 Petroleum Institute?

2 A. Yes.

3 Q. And you yourself attended meetings of the
4 American Petroleum Institute on behalf of Chevron,
5 correct?

6 A. Yes.

7 Q. Information on the dangers of asbestos was
8 shared between oil companies at the API meetings,
9 correct?

10 A. I believe so, yes.

11 Q. Did you review any documents related to
12 the American Petroleum Institute in preparation for
13 your deposition today?

14 A. No.

15 Q. Do you know whether Chevron or its
16 attorneys have in their possession documents related
17 to the American Petroleum Institute and Chevron's
18 involvement?

19 A. At this time I don't.

20 Q. When you say at this time, what do you
21 mean by that?

22 A. Whether they have those documents at this
23 time.

24 Q. Had you ever seen documents during the
25 course of your historical career pertaining to
26

1 Chevron's involvement with the American Petroleum
2 Institute?

3 A. Yes.

4 Q. What documents did you see and when did
5 you see them?

6 A. That's a very difficult question to
7 answer. There are documents on noise control, there
8 were documents -- I can't remember all the
9 documents.

10 Q. Where were those documents kept, if you
11 recall?

12 A. At Chevron?

13 Q. Yes.

14 A. Mostly in the files of the industrial
15 hygiene department.

16 Q. Where was that?

17 A. San Francisco, most of the time.

18 Q. Was a request made of the industrial
19 hygiene department for any of those documents in
20 preparation for today's deposition to your
21 knowledge?

22 A. I don't know.

23 Q. Who is the custodian of those documents,
24 if you know?

25 A. Presently?

26

1 Q. Yes.

2 A. I don't know.

3 Q. Who was it when you were there?

4 A. It was me as long as I was an industrial
5 hygienist.

6 Q. You were the custodian of the API
7 documents in the possession of Chevron for as long
8 as you were there?

9 A. I'm not sure what you mean by custodian.
10 I had ultimate responsibility for the group and
11 virtually all of its belongings.

12 Q. Did that file contain historical documents
13 pertaining to Chevron's involvement with the
14 American Petroleum Institute?

15 A. I believe so, but I'm not sure.

16 Q. Did you consult with any people involved
17 currently in industrial hygiene or the Chevron
18 medical department in preparing for your deposition
19 today?

20 A. No.

21 Q. Did you review any hygiene surveys that
22 Chevron conducted related to asbestos in preparation
23 for your deposition today?

24 A. No.

25 Q. You are aware such surveys exist, correct?

26

1 Chevron, as a company, turn over all of the
2 industrial hygiene information that they have in
3 their possession or their lawyers have in their
4 possession. I understand you don't have it.

5 MR. LaSALA: The other caveat would
6 be the Special Master's recommendations in terms of
7 these surveys, it would be limited to Perth Amboy
8 for a certain period of time.

9 MR. PLACITELLA: Okay. I'm not sure,
10 but we will move on.

11 MR. LaSALA: We can look at that at
12 the break.

13 MR. PLACITELLA: Right.

14 Q. Have you reviewed any Workers Compensation
15 files related to asbestos and Chevron or Standard
16 Oil of California?

17 A. In preparation for today?

18 Q. Yes.

19 A. No.

20 Q. Had you ever reviewed such documents
21 during the course of your consultancy or employment?

22 A. I can't recall that I did.

23 Q. In addition to the documents that you were
24 provided by Chevron's counsel, did you ask to look
25 at any documents that you knew existed in
26

1 preparation for your deposition that weren't
2 otherwise provided to you?

3 A. I asked to look at a deposition I gave in
4 a different case and I asked if they had it and I
5 asked if they had access to a summary of industrial
6 hygiene monitoring data which they have not been
7 able to find.

8 Q. Is that related to the Oak Point facility
9 or Oakwood?

10 A. The deposition is related to the Oak Point
11 facility, yes.

12 Q. And the summary of hygiene information
13 related to things you did at that facility?

14 A. No. It was a summary across Chevron's
15 facility.

16 Q. Who prepared that summary?

17 A. I was involved in that.

18 Q. Who else?

19 A. I don't recall.

20 Q. When is the last time you saw that
21 summary?

22 A. I don't recall.

23 Q. Did you see it at any of your prior
24 depositions?

25 A. I don't remember whether I did or not.

26

1 Q. Have you ever testified at trial on behalf
2 of Chevron?

3 A. No.

4 Q. How long did you meet in preparation for
5 today's deposition?

6 A. Most of the day yesterday.

7 Q. And were any facts disclosed to you by
8 your lawyers not connected with legal advice as it
9 relates to Chevron?

10 MR. LaSALA: Do you understand that
11 question?

12 A. No.

13 Q. Did the attorneys provide you with any
14 facts that you would rely upon as the basis for your
15 historical knowledge that were not connected to
16 legal advice? They weren't giving you legal advise,
17 they were giving you factual information?

18 MR. LaSALA: I'll direct him not to
19 answer. Our discussions would be in the context of
20 an attorney/client relationship and representation.
21 If it relates to this case, we are providing him
22 with advice on this particular case.

23 Q. Have you been supplied with anything as it
24 relates to your testimony today that didn't come
25 from Chevron lawyers?

26

1 A. No.

2 Q. Everything that you are going to testify
3 about today came directly from you to you from
4 Chevron's attorneys?

5 A. Or from my own memory.

6 Q. Fair enough. I'm talking about
7 documentary evidence.

8 A. Right.

9 Q. Do you believe that you made a good faith
10 effort to investigate all the information available
11 to the company concerning the subject matter of this
12 deposition?

13 A. Yes.

14 Q. So you didn't think there was any other
15 information you needed in order to prepare yourself
16 adequately to talk about what Chevron's historical
17 knowledge of the dangers of asbestos are?

18 MR. LaSALA: Objection to the form.
19 You can answer.

20 A. No, I don't believe there was anything
21 else I needed.

22 Q. You obtained a Masters in industrial
23 hygiene from Harvard in 1964?

24 A. Yes.

25 Q. You joined Chevron as an industrial
26

1 hygienist in '68?

2 A. Yes.

3 Q. You left in 1993?

4 A. That's correct.

5 Q. And have you been paid as a consultant by
6 Chevron after that?

7 A. Yes.

8 Q. At what rate?

9 A. Differing rates depending on the jobs I
10 was doing.

11 Q. What is the rate you are being paid for
12 this testimony today?

13 A. We haven't set on a specific rate.

14 Q. What is the rate you got paid the last
15 time you testified on behalf of Chevron?

16 A. \$150 an hour.

17 Q. Does that include your travel time and so
18 forth?

19 A. Yes.

20 Q. What happens at the end of this, you send
21 them a bill and they pay it?

22 A. I hope so.

23 Q. The group you worked for was the
24 industrial hygiene and toxicology group when you
25 first got there?

26

1 A. There was a lot of name changes. I have a
2 hard time sorting them all out. It was something
3 like that.

4 Q. The head of your group when you got there
5 was Jack Spence?

6 A. Yes.

7 Q. Jack or John? I don't want to --

8 A. He went by Jack.

9 Q. The name of the company when you started
10 was Standard Oil of California, correct?

11 A. Yes.

12 Q. You eventually became the manager of
13 industrial hygiene and health surveillance?

14 A. No.

15 Q. What was your final title?

16 A. I don't know what my final title was. I
17 first became manager of industrial hygiene. Later I
18 became manager of health surveillance. I was no
19 longer manager of industrial hygiene at that time.

20 Q. Had you ever had the occasion to visit the
21 Chevron facility in Perth Amboy?

22 A. I believe I did visit it briefly a couple
23 of times.

24 Q. What was the purpose of your visit?

25 A. I don't recall. I think it was primarily

26

1 a social call on the safety engineer there.

2 Q. Were you familiar with the industrial
3 hygiene practice at Chevron Perth Amboy?

4 A. I would not say I was.

5 Q. Did you ever conduct any hygiene surveys
6 safety audits of the Chevron Perth Amboy facilities?

7 A. No.

8 Q. Had you ever reviewed any industrial
9 hygiene or safety audits conducted by others of the
10 Chevron Perth Amboy facility?

11 A. I don't recall doing that.

12 Q. To your knowledge was the Chevron Perth
13 Amboy facility similar in what it produced to other
14 refineries owned by Chevron?

15 MR. LaSALA: Objection to the form.
16 You can answer.

17 A. I believe the products were essentially
18 the same.

19 Q. Was it your understanding that the Chevron
20 facility also had an asphalt plant?

21 A. Yes.

22 Q. Was it also your understanding that
23 asbestos-containing products were manufactured at
24 Chevron asphalt plants?

25 A. They were manufactured at some asphalt
26

1 plants, but not all.

2 Q. Do you know whether asbestos-containing
3 products were manufactured at the Perth Amboy
4 asphalt plant?

5 A. To the best of my knowledge no, they were
6 not.

7 Q. Who would know that for sure?

8 A. Somebody that knows about products and
9 where they were manufactured. I don't know who that
10 would be.

11 Q. I think you told me before that each
12 refinery was operated autonomously. Am I correct
13 that it was up to each refinery to determine how it
14 was going to handle asbestos within the refinery?

15 MR. LaSALA: Objection to the form.

16 A. Ultimately that's true.

17 Q. There was no corporate wide policy
18 concerning when each refinery would stop using
19 asbestos, correct?

20 A. That is correct, as far as I remember.

21 Q. Now, are there basic principles of health
22 safety adhered to by corporate industrial hygienists
23 in terms of protecting worker health?

24 MR. LaSALA: Objection to the form.

25 You can answer.

26

1 A. I don't understand the question.

2 Q. As an industrial hygienist were there
3 basic principles you would adhere to in order to
4 protect worker health?

5 A. I would say yes, there were.

6 Q. Would you agree that corporate
7 responsibility means ensuring sound policies,
8 practices or programs that address environmental
9 health and safety?

10 MR. LaSALA: Objection to the form.
11 That may call for a legal conclusion. You can
12 answer.

13 MR. PLACITELLA: I took it right off
14 the Chevron website.

15 MR. LaSALA: I have a right to
16 object.

17 A. If that's what Chevron says, I would have
18 to agree with that.

19 Q. And would you agree Chevron has the
20 responsibility to transmit what it knew about the
21 dangers produced by the Chevron working environment
22 to its employees?

23 A. Yes.

24 Q. Would you agree that Chevron employees
25 working with or near asbestos should have been told
26

1 whatever Chevron knew about the dangers of asbestos?

2 A. I wouldn't say everything because that can
3 get into very complicated medical and scientific
4 data. I don't think that's an effective way to
5 communicate with employees.

6 Q. What kind of information do you think
7 Chevron or Standard Oil was entitled to withhold
8 from workers and not tell them?

9 MR. LaSALA: Objection to the form.

10 A. I think they were entitled to basic
11 information on what kind of health effects could
12 happen, but not necessarily detailed information and
13 medical terminology or highly scientific terminology
14 which would confuse them.

15 Q. So it was Chevron's determination then as
16 to what would be confusing not confusing to workers
17 in terms of protecting their health and safety?

18 MR. LaSALA: Objection to the form.

19 A. In terms of effectively communicating the
20 hazards, yes. If there were other inquiries for
21 deeper information, that would have been provided.

22 Q. Would you agree Chevron had a
23 responsibility to ensure the health of family
24 members of Chevron employees to make sure they were
25 not placed at risk as a result of the Chevron
26

1 employee working environment?

2 MR. LaSALA: Same objection as before
3 as to legal conclusion, but you can answer.

4 A. Repeat the question.

5 Q. Would you agree Chevron had a
6 responsibility to ensure the health of family
7 members of Chevron employees were not placed at risk
8 as a result of the Chevron's employee work
9 environment?

10 A. Yes.

11 Q. Would you agree a company should never
12 withhold information about environmental dangers
13 from its employees and potentially affect family
14 members?

15 A. I need you to read that one back, too.

16 Q. Would you agree a company should never
17 withhold information about environmental dangers
18 from its employees and potentially affected family
19 members inside its refineries?

20 A. I don't think I would agree Chevron had a
21 responsibility to communicate directly with family
22 members.

23 Q. You think Chevron had no responsibility to
24 ensure that toxic substances were not transported
25 home by employees to their family members?

26

1 MR. LaSALA: Objection to the form.

2 A. I don't think that's what I said.

3 Q. Do you believe Chevron had a
4 responsibility to make sure that toxic substances
5 were not transported home to family members of
6 Chevron employees?

7 MR. LaSALA: Objection to the form.

8 A. When you say make sure, that's awfully
9 difficult. That requires a level of control over
10 employees that Chevron didn't have.

11 Q. We will get into that. Would you agree
12 that a company should never put profits before
13 worker health safety?

14 A. Yes.

15 Q. Would you agree the greater the danger
16 inherent in the employee work environment the
17 stronger the warning necessary to protect the
18 employee?

19 MR. LaSALA: Objection to the form.

20 A. Yes.

21 Q. Would you agree a Chevron employee working
22 with or around asbestos-containing products had the
23 right to know about the potential hazards of
24 asbestos as soon as Chevron knew it?

25 A. Yes. If there were actual hazards.

26

1 Q. If Chevron learned knew information about
2 the hazards of asbestos would you agree it was
3 Chevron's duty to pass that information on to its
4 employees so the employees could protect themselves
5 and others who might be exposed as a result of the
6 employee working with or near asbestos?

7 A. Seems like I'm being asked a lot of
8 questions that are legal in nature.

9 Q. I'm asking you as an industrial hygienist
10 who was charged with protecting the health safety of
11 the people working in the refineries.

12 A. When you use the term duty, that implies
13 to me there's a legal requirement.

14 Q. Does the word responsibilities make you
15 more comfortable?

16 MR. LaSALA: You can phrase the
17 questions in whatever way you determine appropriate
18 and I'll object or he will answer.

19 A. That's fine.

20 Q. As Chevron learned new asbestos
21 information about the hazards of asbestos, would you
22 agree it was Chevron's responsibility to pass that
23 information on to its employees so the employee
24 could protect himself or others who might be exposed
25 as a result of the employee working with or near
26

1 asbestos?

2 A. Yes.

3 Q. Would you agree it was appropriate for
4 Chevron's employees to rely upon Chevron for the
5 whole truth about the hazards of the products
6 Chevron used in its operations?

7 MR. LaSALA: Objection to the form.
8 That clearly calls for a legal conclusion. You can
9 try to answer it, if you can.

10 A. I'll have to have you read the question
11 begin.

12 Q. Would you agree that it was appropriate
13 for Chevron's employees to rely upon Chevron for the
14 whole truth about the hazards of the products
15 Chevron's used in its operations?

16 MR. LaSALA: Objection.

17 A. Yes.

18 Q. Would you agree that it was Chevron's
19 responsibility to inform employees about a potential
20 exposure to poisons without regard to the
21 concentration of the poison?

22 MR. LaSALA: Objection. That may
23 call for a legal conclusion depending on whether or
24 not there were standards -- I don't want to make
25 speeches. That would call for a legal conclusion.

26

1 You can answer.

2 A. I think I would answer no to that
3 question.

4 MR. PLACITELLA: Why don't we stop here
5 and we will take a break and set up the video.

6 (Recess taken)

7

8 BY MR. PLACITELLA:

9

10 Q. Before we took a break I asked you a
11 question about Chevron's responsibilities to inform
12 employees about potential exposure without regard to
13 concentration. You said you didn't agree with that.
14 Do you recall that?

15 A. I don't remember that is the wording of
16 your question. Something like that.

17 Q. I put up on the screen an excerpt from
18 Mr. Spence's deposition that you reviewed in
19 preparation for today's deposition, correct?

20 A. Yes.

21 Q. And it starts on page 291 and the question
22 was -- if you want to show him the deposition that's
23 fine. Was it Chevron's policy to tell its own
24 employees about the potential for exposure to
25 poisons in its plant without regard to the
26

1 concentration of that toxic material?

2 Mr. Spence's says, "We certainly -- if there was a
3 potential for danger, yes. That becomes a point
4 when there's insufficient anything or anything to be
5 "hazardous", so obviously when there was a hazard or
6 a potential hazard certainly we wanted people to
7 know it. After all, we were trying to protect their
8 health.

9 Do you agree with that statement by your
10 former boss?

11 A. Yes.

12 Q. Were the outside contractors hired by
13 Chevron required to follow the Chevron safety rules?

14 A. I don't recall to what extent they were.

15 Q. I'm going to show you another excerpt from
16 Mr. Spence's deposition. The question is, I see
17 that the distinction -- I'm sorry I didn't follow it
18 originally. Your recollection is that during all of
19 these years that the rule was that contractors were
20 required to follow the Chevron safety rules and
21 safety plant program when the contractor worked in a
22 Chevron plant?

23 MR. LaSALA: Objection to the form
24 You put plant before --

25 MR. PLACITELLA: I can't read it.

26

1 Q. Answer yes. That was the case I'm thinking
2 that the safety engineers did at least inspect for
3 compliance with the Chevron safety rules. Answer
4 um-hum, yes.

5 Does that refreshes your recollection as
6 to what the Chevron policy was as it related to
7 outside contractors?

8 A. There were different kinds of outside
9 contractors. There were independent contractors and
10 there were contractors who worked in the plant
11 regularly. I think they were treated differently,
12 but I don't know. I didn't work in the plants. I
13 think that's a generally true statement, but not
14 necessarily all the time.

15 Q. What is the difference between an outside
16 contractor and a contractor that worked regularly?

17 A. Maybe I should have used independent
18 contractor. Independent contractor was somebody
19 given a job to do, came in and did the whole job
20 versus the other contractors I was referring to were
21 what I would call workforce contractors. These were
22 people who were supplied, not Chevron employees, but
23 working in Chevron plants working on behalf of
24 Chevron.

25 Independent contractors would be given a
26

1 job, maybe a shutdown, for example. The whole plant
2 is shut down. Essentially turned over to that
3 contractor and that contractor has its own safety
4 rules and regulations and there was some -- I don't
5 recall exactly or I never knew exactly what the
6 relationship was between those rules and Chevron's
7 rules.

8 Q. Would there be any reason why the rules
9 for an independent contractor should be less
10 stringent than the rules that Chevron enforced?

11 A. No, and I don't believe they were.

12 Q. These workforce contractors, they would be
13 somebody that would come in and insulate a whole
14 section of steam lines, that kind of thing?

15 A. No. They would work basically as
16 Chevron's maintenance staff.

17 Q. They would be governed by Chevron's safety
18 rules?

19 A. Yes.

20 Q. Would you agree that the industrial
21 hygiene department had a responsibility to keep
22 current on occupational health literature?

23 A. Yes.

24 Q. And would you agree that part of assessing
25 a potential hazard in a plant was to consult with
26

1 the experience of other companies?

2 MR. LaSALA: Objection to the form.

3 A. Not necessarily.

4 Q. What do you mean not necessarily?

5 A. It may not be necessary to consult with
6 other people if you have enough information in hand.

7 Q. But it was something that was done?

8 A. Oh, it was done. I think the question was
9 whether it was a requirement of the job. No, it
10 wasn't.

11 Q. You wouldn't take issue with Mr. Spence's
12 testimony where he says I think the medical director
13 got some viewpoints from the American Petroleum
14 Institute?

15 MR. LaSALA: Do we have a page?

16 MR. PLACITELLA: Thirty-five.

17 Q. The association with other companies
18 already had programs under way?

19 A. What is your question?

20 Q. You would agree with this testimony?
21 That's all I'm asking.

22 A. Oh, yes.

23 Q. Now, Chevron, in addition to manufacturing
24 petroleum products, was also an asbestos products
25 manufacturer. True?

26

1 A. I wouldn't call them an asbestos products
2 manufacturer.

3 Q. You manufactured products with asbestos in
4 them?

5 A. Yes.

6 Q. And Manville, for instance, manufactured
7 products with asbestos in it, right?

8 A. They are not comparable.

9 Q. Did Manville manufacture products with
10 asbestos?

11 A. Yes.

12 Q. You manufactured products with asbestos?

13 A. Yes.

14 Q. So in the sense of being an
15 asbestos-containing product manufacturer, you are no
16 different than Manville?

17 MR. LaSALA: I direct him not to
18 answer. Argumentative. That's argumentative.

19 Q. What is the difference between you and
20 Manville in terms of being a manufacturer of
21 asbestos-containing products?

22 A. The nature of the products was totally
23 different.

24 Q. And the nature of your products was what?

25 A. The asbestos was totally encapsulated

26

1 within the product that we sold.

2 Q. Those products when --

3 A. It was a liquid product basically.

4 Q. Some of the products were products known
5 as Walk Top?

6 A. Yes.

7 Q. What was that used for?

8 A. As the name suggests, it was used, I
9 believe, for walking surfaces.

10 Q. Lakehold, was that an asbestos-containing
11 product?

12 A. Yes.

13 Q. What was that used for?

14 A. I believe it was mainly used for tennis
15 courts and sports courts.

16 Q. How was that used?

17 A. It was taken in drums, I believe, to the
18 site and spread on the -- it was a thick liquid
19 material spread on the surface cold and I never saw
20 the application. It was squeegeed out.

21 Q. You are aware tennis courts, for example,
22 are resurfaced, right?

23 A. Yes.

24 Q. In your common experience. when they are
25 resurfaced, the top layer is often removed?

26

1 A. I don't know.

2 Q. You are aware that tennis courts and
3 walking surfaces are often upset or jack hammered
4 when they are removed, correct?

5 A. That would be my assumption.

6 Q. When that procedure would occur there
7 would be the potential for the asbestos that was
8 used in the Chevron product to be released into the
9 atmosphere?

10 MR. LaSALA: Objection to the form.

11 Q. True?

12 A. In some amount, could be possible.

13 Q. Now, did you, Chevron, ever tell any of
14 your employees that they were working in an asbestos
15 products manufacturing plant?

16 MR. LaSALA: Objection to the form.

17 A. I don't know if we ever used that
18 language.

19 Q. What steps did you take, Chevron, to
20 prevent the inhalation of asbestos for the people
21 who were manufacturing your asbestos-containing
22 products?

23 A. We took a close look at that operation and
24 recommended several controls that were installed to
25 minimize exposure and keep it below the recommended
26

1 standards.

2 Q. When was the first time you did that?

3 A. I don't recall.

4 Q. Was it done before 1972?

5 A. I don't recall. I don't think so.

6 Q. So up until 1972 there were no controls in
7 the plants operated by Chevron that manufactured
8 asbestos-containing products to control the
9 inhalation of asbestos fiber?

10 MR. LaSALA: Objection to the form.

11 A. I don't know if that's correct.

12 Q. Who would know that? You are the guy with
13 the most knowledge.

14 A. I don't know who would know that. I'm not
15 even sure those products were made before 1972. I
16 don't know.

17 Q. You are not aware that Chevron made
18 asbestos-containing products going back to the
19 1940s?

20 A. I don't know that they made Lakehold. I
21 don't know when they started making Walk Top and
22 Lakehold. I don't know what controls were in place
23 before we got involved with that.

24 Q. When is the first time to your knowledge
25 that Chevron going into the business of
26

1 manufacturing asbestos-containing products?

2 A. I don't know.

3 Q. Was it before you got there?

4 A. Yes.

5 Q. When you got there what controls were in
6 place to prevent the people who were working with
7 asbestos in the asbestos-containing product
8 manufacturing plants from inhaling the asbestos?

9 MR. LaSALA: Objections to the form.

10 A. I didn't see those particular operations.

11 Q. You toured asbestos-containing asphalt
12 plants, did you not?

13 A. I looked at the ones where they were
14 making Lakehold and Walk Top. I didn't . . .
15 I don't recall ever going to the one where they made
16 other products, which were started earlier.

17 Q. When you looked at the Lakehold and Walk
18 Top asbestos-containing product plants, when you
19 first went in there were no controls in place to
20 protect the workers from exposure to asbestos, true?

21 A. I don't know if that's true or not. I
22 don't remember.

23 Q. You had no controls in place before 1972,
24 true?

25 A. I don't know.

26

1 Q. I guess no one in the company knows since
2 you are the guy with the most knowledge.

3 MR. LaSALA: Objection to the form.
4 Argumentative.

5 Q. Now, when you were at Harvard as part of
6 your training, did you obtain any information
7 concerning the potential dangers of asbestos?

8 A. Yes.

9 Q. What information did you obtain?

10 A. I don't know in detail, but I remember
11 hearing about asbestosis. It was talked about. I
12 recall in the general area of pneumoconiosis.

13 Q. Was that part of a course?

14 A. I'm sure it was.

15 Q. In the context of preventing
16 pneumoconiosis, did you discuss principles of
17 industrial hygiene to prevent pneumoconiosis related
18 injuries when you were at Harvard?

19 A. Yes.

20 Q. Were those principles of industrial
21 hygiene around for many, many years?

22 A. Yes.

23 Q. Those principles of industrial hygiene
24 included respiratory protection, correct?

25 A. Yes.

26

1 Q. They included ventilation?

2 A. They could.

3 Q. For pneumoconiosis producing dust, true?

4 A. You are lumping all those producing dust
5 in one category and they were all different. They
6 were all handled different. The manufacturer's
7 process was different about them. I wouldn't
8 generalize, they always indicated that.

9 Q. Was it a recognized principle of
10 industrial hygiene that you were taught when you
11 went to school that one of the ways of preventing
12 asbestos-related disease was through the use of
13 respirators?

14 A. Yes.

15 Q. When you were at Harvard one of the ways
16 you were taught to prevent asbestos-related disease
17 would be through adequate ventilation, true?

18 MR. LaSALA: Objection to the form.

19 A. Yes.

20 Q. These were principles that were known for
21 decades, true?

22 A. Yes.

23 Q. The substitution of less hazardous
24 materials, was that a principle of industrial
25 hygiene that you were taught while you were at
26

1 Harvard studying to become an industrial hygienist?

2 A. Yes.

3 Q. You were aware before you ever started at
4 Chevron that one of the ways to prevent asbestosis
5 was to use non-asbestos related materials, true?

6 A. No. I don't believe I was.

7 Q. When did you figure that out?

8 A. Well, what I was taught at Harvard had to
9 do with asbestos mining, asbestos milling,
10 insulation with pure asbestos materials and things
11 like that. That didn't really relate to what I
12 found when I went to Chevron.

13

14 (Video record begins.)

15

16 Q. You are the person designated as a person
17 with the most knowledge about Chevron and Standard
18 Oil of California's historical knowledge about the
19 dangers of asbestos and what Chevron did with that
20 information in terms of protecting its employees,
21 correct?

22 A. Among the people who are still alive and
23 able to travel, yes.

24 Q. In reviewing all the material you told us
25 you reviewed, did Chevron make any mistakes in

26

1 protecting their workers and their families from
2 asbestos exposure?

3 MR. LaSALA: Objection to the form.
4 Any mistakes.

5 MR. PLACITELLA: Yes.

6 A. I can't think of any.

7 Q. Did Chevron make any mistakes in relaying
8 what it knew about the dangers of asbestos to those
9 foreseeably exposed to asbestos in its plants?

10 MR. LaSALA: Same objection.

11 A. There's nothing I would consider that I
12 can recall that I would consider a mistake.

13 Q. So if no mistakes were made, then the way
14 asbestos was handled in the Chevron plants was
15 intentional. Would you agree with that?

16 MR. LaSALA: Objection to the form.
17 Argumentative.

18 A. I don't know how to answer that question.

19 Q. Everything you did was deliberate.
20 There were no mistakes made. What you did is what
21 you did and there's no apologies for it, correct?

22 MR. LaSALA: Objection to the form.
23 argumentative. Can we take the argumentative
24 portion out of that, please --

25 MR. PLACITELLA: Sure.

26

1 Q. Everything that was done with asbestos was
2 done consciously and deliberately?

3 A. I wouldn't necessarily say that. When you
4 say there was no mistakes made, I'm not aware of
5 mistakes. Individuals could have made mistakes.

6 Q. Because you are not even aware of what
7 went on at the Chevron Perth Amboy facility as you
8 sit here today despite all the information that you
9 reviewed, correct?

10 A. I'm not aware of what went on on a day-to-day
11 basis at any facility.

12 Q. And you don't really have any
13 understanding about what Chevron did or didn't do to
14 protect the employees and their families at the
15 Chevron Perth Amboy facility from asbestos exposure,
16 true?

17 A. I have a general sense of what they did,
18 but I don't know details of what they did.

19 Q. Now, you would agree that Chevron had the
20 money and the resources to protect employees in
21 their plants from unsafe working conditions?

22 MR. LaSALA: Objection to the form.

23 Q. True?

24 A. They had the resources insofar as
25 information that was currently available, but as you
26

1 know, that information at times got updated with new
2 information.

3 Q. Sure, and Chevron was really up to date on
4 all the information concerning the dangers of the
5 products that were used in its operations. Would
6 you agree with that?

7 A. Yes.

8 Q. And Chevron had the money and the
9 resources to ensure that any toxic or unsafe
10 material used or generated in its plants would not
11 be carried home to the workers' families, true?

12 MR. LaSALA: Objection to the form.

13 A. Certainly had the resources and money,
14 yes.

15 Q. And you are familiar with Standard Oil of
16 New Jersey?

17 A. I know who that was, yes.

18 Q. They were not anymore capable of
19 protecting employees than Standard Oil of
20 California, were they?

21 MR. LaSALA: Objection to the form.

22 A. I believe that's true.

23 Q. Chevron had basically the same resources
24 for protecting employee health and safety that would
25 have been available to Standard oil of New Jersey,
26

1 right?

2 MR. LaSALA: Objection to the form.

3 A. Standard Oil of New Jersey got into the
4 industrial hygiene field before Chevron did.

5 Q. Well, you both had the same parent, didn't
6 you, Standard Oil of California and Standard Oil of
7 New Jersey?

8 A. Going back many, many years, yes.

9 Q. In fact, would this accurately reflect the
10 lineage, this slide accurately reflects the lineage
11 of --

12 A. No.

13 Q. It would not?

14 A. I don't believe so. You have Chevron at
15 the top. We are not -- Chevron is not the father of
16 all these companies.

17 Q. It was Standard Oil that broke up to be --
18 Standard oil of California and Standard Oil of New
19 Jersey. It was broken up into two different --

20 A. No. I believe it was broken up into more
21 companies. Standard Oil of New York.

22 Q. Exactly.

23 A. And other companies.

24 Q. And one became BP and one became Exxon and
25 one become AMOCO, correct?

26

1 A. Not exactly, but BP bought one of the
2 companies.

3 Q. When I ask you whether you had the same
4 parent, that is Chevron and Exxon, the answer is
5 what?

6 MR. LaSALA: Objection to the form.
7 Are you asking him if they had the same parent?

8 Q. You had the same parent?

9 A. Well, yes. In a very general, general
10 sense we had the same parent.

11 Q. I put a slide up here. Have you ever seen
12 a picture or an overhead of the Chevron refinery in
13 Perth Amboy?

14 A. I don't recall I have.

15 Q. Do you know how far away it was located
16 from the Bayway or Exxon Bayway refinery?

17 A. No, I don't.

18 Q. Did you know it was less than a few miles
19 away?

20 A. I don't know what you mean by a few miles,
21 but I knew they were in the same general area.

22 Q. Do you recognize this as a picture of the
23 Chevron Perth Amboy plant?

24 A. By the caption on it, yes.

25 Q. You recall the plant was near a large body
26

1 of water, do you recall that?

2 A. Yes.

3 Q. And you recall there were prevailing winds
4 that would come off that body of water?

5 A. No.

6 Q. If there were prevailing winds that would
7 come off a body of water, would that have a
8 significance to you in terms of your profession as
9 an industrial hygienist in assessing health and
10 safety in a plant?

11 A. I don't think I would pay much attention
12 to that.

13 Q. Did you conduct research to determine when
14 is the first time that Standard Oil of California
15 was aware of the potential dangers of asbestos
16 exposure?

17 A. No, I didn't.

18 Q. Wasn't that part of your charge for this
19 deposition?

20 A. Not that I understand.

21 Q. Do you know when Chevron first became
22 aware of the potential dangers of asbestos exposure?

23 A. No, I don't.

24 Q. Do you know when Chevron first became
25 aware that asbestos was potentially related to
26

1 contracting cancers?

2 A. I have a pretty good sense of that.

3 Q. When was that?

4 A. Sometime shortly before the asbestos
5 standard came out.

6 Q. You are not aware of information in the
7 possession of Chevron going back to the 1940's and
8 '50s indicating an association between asbestos and
9 cancer?

10 A. I'm not aware of that.

11 Q. And you had not been provided that
12 information by Chevron in preparations for today's
13 deposition?

14 A. No, I haven't.

15 Q. Knowledge of dangers of products used in
16 Chevron plants would come from multiple sources.
17 Would you agree with that?

18 A. Yes.

19 Q. Some would include academic training?

20 A. Yes.

21 Q. Medical, open medical literature?

22 A. Yes.

23 Q. Would Chevron have available to it the
24 means to research medical literature historically?

25 A. Yes.

26

1 Q. Would another means be professional
2 organizations?

3 A. Yes.

4 Q. Consultation with other oil companies?

5 A. Yes.

6 Q. In fact, you, yourself corresponded with
7 the industrial hygienist at Exxon Jim Hammond, to
8 discuss asbestos health issues, correct?

9 A. I don't recall that.

10 Q. You don't recall testifying to that?

11 A. No, I don't.

12 Q. You corresponded with Jim Hammond? You
13 never did that?

14 A. I wouldn't say I didn't do it. I don't
15 remember doing it.

16 Q. Would you say that another source would be
17 through mergers and acquisitions, that is if a
18 company took over another company, you would absorb
19 the information that that company had as well?

20 A. Yes.

21 Q. Another source of information on the
22 dangers of products used in the plants would be
23 symposiums, true?

24 A. Yes.

25 Q. National Safety Counsel?

26

1 A. To some extent, yes.

2 Q. The American Petroleum Institute?

3 A. Yes.

4 Q. Am I correct that Chevron did nothing to
5 protect the workers in its plants from exposure to
6 asbestos until the federal government made them do
7 it?

8 MR. LaSALA: Objection to the form.

9 A. No.

10 Q. What did you do before 1972 to protect
11 workers from exposure to asbestos in the Chevron
12 plants?

13 A. My understanding is that there were
14 respirators required for asbestos removal work or
15 insulation removal work where that involved
16 asbestos.

17 Q. When was that first required, sir?

18 A. I don't know when it was first required.
19 it was well before my time.

20 Q. Well before you start in 1968?

21 A. Yes.

22 Q. And what is the source of that
23 information?

24 A. Dan Barber's deposition.

25 Q. Is Mr. Barber still alive?

26

1 A. Yes.

2 Q. Did you have an opportunity to discuss
3 that with him?

4 A. No, I didn't.

5 Q. Do you know whether those respirators were
6 supplied -- did you say respirators were required
7 for asbestos removal?

8 A. Yes.

9 Q. And what plant was Mr. Barber responsible
10 for?

11 A. He was responsible for El Segundo refinery
12 and for the a short period of time Richmond
13 refinery.

14 Q. And would that have been going back to the
15 1950s?

16 A. I believe so, yes.

17 Q. What other methods was Chevron doing to
18 protect the health of people exposed to asbestos in
19 in plants, other than requiring respirators?

20 A. According to Mr. Barber's testimony, they
21 were also wetting down the insulation before
22 removing it.

23 Q. And what was the purpose of that?

24 A. To reduce the release of dry dust.

25 Q. And when would that have started?

26

1 A. I don't know when. Probably also early.
2 In the '50s or maybe before.

3 Q. The '50's or before?

4 A. Or before.

5 Q. Do you have any evidence that those
6 practices were used to protect the people who worked
7 in the Chevron refinery in Perth Amboy?

8 A. Do I personally have evidence, no, I
9 don't.

10 Q. Have you reviewed anything, any
11 information that you can point to as evidence that
12 the procedures of wet down and use of respirators
13 were used in the Chevron Perth Amboy refinery before
14 1972?

15 A. I don't personally have that evidence.

16 Q. Have you seen any evidence whatsoever to
17 indicate that, whether you had it personally or not?

18 A. I have not seen it, no.

19 Q. In that information existed would you have
20 hoped it was provided to you?

21 MR. LaSALA: Objection to the form.
22 You can answer.

23 A. I didn't have any particular conception of
24 what I would be provided.

25 Q. When is there first time, and these
26

1 procedures you are discussing to protect people from
2 exposure to asbestos, I take it one of the reasons
3 they did wet down was to protect not only the person
4 removing the asbestos, but people in the vicinity?

5 A. I don't know what the rationale for that
6 was.

7 Q. As an industrial hygienist is it your
8 understanding that the reason that you wet down
9 asbestos-containing insulation before removing it is
10 to protect both the person removing it plus people
11 in the vicinity?

12 A. It would accomplish that goal, yes.

13 Q. You understood that as a general principle
14 of industrial hygiene, correct?

15 A. I wouldn't call it that, but I guess -- I
16 wouldn't argue with the practice either.

17 Q. Would it have been good practice to
18 protect the people in the vicinity of the removal of
19 asbestos?

20 A. Yes. If they were potentially exposed.

21 Q. And when you say potentially exposed, what
22 do you mean by that?

23 A. If they were potentially exposed to
24 hazardous concentrations of asbestos fibers over a
25 period of time.

26

1 Q. Would you agree that a general principle
2 of industrial hygiene is that if you can see
3 variable asbestos-containing dust, that protection
4 should be afforded the worker or the people in the
5 vicinity?

6 A. Repeat that, please.

7 Q. Would you agree that as an accepted
8 principle of industrial hygiene that if you can
9 see visible dust that the people working in the
10 vicinity should get protection?

11 MR. LaSALA: Objection to the form.

12 A. It depends on whether that dust is in the
13 form that can be inhaled.

14 Q. What do you mean by that?

15 A. If you saw insulation that contains
16 asbestos, the type of insulation that contains
17 asbestos, there will be dust produced which drops
18 directly to the ground. It is not becoming
19 airborne. It is not getting into the -- as long as
20 it is falling it is not respirable. It is not
21 something people can breathe.

22 Q. Well, in your training as an industrial
23 hygienist were you ever trained in the principle of
24 reentrainment?

25 A. Yes.

26

1 Q. What is that?

2 A. Reentrainment means things that land on
3 the ground and gets stirred and back up into the
4 air.

5 Q. And that's something that happened with
6 asbestos-containing dust, correct?

7 A. It could happen, yes.

8 Q. So the mere fact that asbestos may fall to
9 the ground is no solace to the people working in the
10 area that they won't be exposed, true?

11 A. True.

12 Q. When was the first time that Chevron took
13 any steps to make sure that asbestos-containing dust
14 or debris was not transported home by workers to
15 their families?

16 MR. LaSALA: Objection to the form.

17 A. I can't answer that question. I don't
18 know.

19 Q. Did it ever happen during the time you
20 worked for Chevron?

21 A. It could have.

22 Q. You were aware at some point in time that
23 there were procedures that the federal government
24 required to make sure that asbestos-containing dust
25 was not transported home to families, correct?

26

1 A. Yes. I believe as part of the asbestos
2 standard, it was required.

3 Q. And before the federal government made
4 Chevron follow those procedures, there were no
5 procedures in place at Chevron refineries to protect
6 the health and safety of family members, true?

7 MR. LaSALA: Objection to the form.

8 A. That I don't know. I know many refineries
9 had issued coveralls for people to work and those
10 coveralls were laundered on site. I don't know a
11 lot of detail about that procedure.

12 Q. Let's talk about that a little bit. Some
13 of the refineries you are aware of actually had
14 coveralls given to the employees?

15 A. Coveralls or some sort of protective
16 clothing.

17 Q. Those coveralls were then laundered
18 on-site?

19 A. I don't believe they were laundered
20 on-site. They could have been on-site or sent to an
21 outside laundry.

22 Q. Okay. Fair enough. But the employee did
23 not take those coveralls home to their family to
24 wash?

25 A. That's my understanding.

26

1 Q. Did some of the refineries have showers to
2 make sure any toxic substances were not transported
3 home on the workers' person to the family?

4 MR. LaSALA: Objection to the form.
5 You can answer.

6 A. I believe they did.

7 Q. Do you know what refineries had that
8 practice?

9 A. No.

10 Q. Why was it important that in your opinion
11 as an industrial hygienist to give the workers
12 coveralls that would be laundered by Chevron and not
13 by the workers' families?

14 A. I'm sorry. Give me that question again.

15 (Record read)
16

17 A. Some workers could take toxic substances
18 home and spread them around within their home.

19 Q. Did the practice of giving coveralls to
20 workers in some of these refineries predate your
21 come to go Chevron?

22 A. I believe so.

23 Q. Did the practice of supplying showering
24 facilities in some of these refineries predate your
25 coming to Chevron?

26

1 A. I believe so.

2 Q. Did these practices actually in fact date
3 back to the 1950s and possibly before?

4 A. I believe so.

5 Q. Do you know why these practices weren't in
6 place in the Perth Amboy Chevron facility?

7 A. No.

8 Q. As an industrial hygienist would these be
9 practices that you would have recommended be in the
10 Perth Amboy facility had you had some influence over
11 that?

12 MR. LaSALA: Objection to the form.

13 A. I don't know -- without having seen the
14 operations, no.

15 Q. Well, it was a refinery just like
16 El Segundo?

17 A. Um hum?

18 Q. What was different about the Perth Amboy
19 refinery from El Segundo that meant that those
20 people required less protection than the El Segundo
21 people?

22 MR. LaSALA: Objection to the form.

23 A. I'm not suggesting that they did require
24 less protection.

25 Q. A human being working in El Segundo was no
26

1 different than a human being working in Perth Amboy.

2 MR. LaSALA: Objection. Argumentative.

3 A. Absolutely.

4 Q. And a human being working in El Segundo
5 had the same right to be protected, the same way --
6 strike that.

7 A human being in Perth Amboy had the right
8 to be protected the same way an employee had the
9 right to be protected in El Segundo, true?

10 A. Yes.

11 Q. So if coveralls were given to employees in
12 El Segundo, they should have been given to employees
13 in Perth Amboy. Would you agree with that?

14 A. If there was a hazard.

15 Q. Were the hazards different in Perth Amboy
16 than from El Segundo to your knowledge?

17 A. I don't know.

18 MR. PLACITELLA: Mark this P-3.

19 (The above document is marked as
20 P-3 for Identification.)

21 Q. Mr. Dryden, we are making good progress.
22 I want to show you what's been marked P-3 for
23 Identification and ask you if you have ever seen
24 this document before?

25 A. I do recognize it. I saw it.

26

1 MR. LaSALA: Wait for a question.

2 Q. When have you seen it?

3 A. As far as I can recall the first time I
4 saw it was in the last two days.

5 Q. What were the circumstances under which
6 you saw this document?

7 A. Preparing for this deposition. It was one
8 of the -- it was attached to one of the depositions.
9 It was an exhibit of one of the depositions.

10 Q. Did you have a chance to review the
11 document?

12 A. I reviewed it briefly.

13 Q. I'm just going to ask you some things.
14 The first time you saw it is when it was shown to
15 you by counsel for Chevron?

16 A. They sent it to me. I think I read it,
17 looked at it on the airplane.

18 MR. PLACITELLA: There is some reason
19 why it wasn't produced as part of the materials?

20 MR. LaSALA: Only reason is
21 inadvertence on our part. I apologize.

22 Q. What, if any, significance did you attach
23 to this document when you reviewed it?

24 A. None, really.

25 Q. This is a document entitled, Dust Producing

26

1 Operations in the Petroleum Products and
2 Associated Activities by a Roy Bonsib?

3 A. You left a couple of words out, but, yes.

4 Q. I'm trying to get you on your plane. He
5 was the chief safety inspector for Standard Oil
6 Company of New Jersey, correct?

7 A. That's what it says.

8 Q. Right down the street from the Perth Amboy
9 refinery, remember?

10 A. Not necessarily. I don't know if their
11 headquarters was at that refinery or not.

12 Q. This survey was done of the Bayway
13 refinery in New Jersey, correct?

14 A. I don't recall. I don't know. I didn't
15 look at it that carefully.

16 Q. The first paragraph says in the forward
17 says, Because it is the duty of industry to protect
18 its employees and because no comprehensive survey
19 of the hazards incident to occupational dust
20 problems has yet been made, it was felt that here
21 was an opportunity to render a service to the
22 petroleum industry and its employees by making such
23 a survey.

24 Did I read that correctly?

25 A. Yes, except they misspelled service.

26

1 Q. Was this document ever shared with you by
2 anyone at Chevron while you were there?

3 A. To the best of my recollection we had this
4 document in our files, but whether it was shared
5 with me personally, no, I don't think so.

6 Q. Okay. Now --

7 A. When I say I saw it for the first time, I
8 may have seen it at Chevron, but I just don't
9 recall.

10 Q. Go to page 3, please.

11 A. Okay.

12 Q. See under the second full paragraph there
13 are five distinct types of reaction.

14 A. You are looking at a different page
15 three.

16 Q. Past the index into the body of the
17 report.

18 A. Here we go.

19 Q. It says there are five distinct types of
20 reaction produced in a man as the result of in
21 inhalation, inhaling dust. Do you see that?

22 A. Yes.

23 Q. What is the date of this document?

24 A. 1937.

25 Q. These reactions may be broadly classified,

26

1 but based on the primary cause as follows: A, those
2 which result in lung fibrosis, commonly referred to
3 as pneumoconiosis. These dusts contain free silica,
4 asbestos, etc. However, it is not necessary for
5 fibrous tissue to be formed in order for the
6 disease to be classified as pneumoconiosis. Do you
7 see that?

8 A. Yes.

9 Q. Is this information that was also known to
10 Chevron historically?

11 A. Yes.

12 Q. Could you go to page 7, please.

13 A. Yes.

14 Q. If I'm going through this and you think
15 there's something you want to point out or if you
16 take a break and you want to come back and say
17 something about it, it is okay. I'm trying to move
18 through it.

19 A. Okay.

20 Q. There is a section that says asbestosis.
21 Do you see that?

22 A. Yes.

23 Q. According to authorities cited by Drinker
24 and Hatch in their book, Industrial Dusts, the
25 pathology produced by asbestos is not like that of
26

1 silicosis.

2 It has a whole paragraph on asbestosis,
3 correct?

4 A. Yes.

5 Q. Go to page 9, please. Do you see the
6 second paragraph from the bottom, it says, as pointed
7 out by Drinker and Hatch, Industrial Dust 1936, it
8 is unfortunately impossible to evaluate dust
9 exposures with the arithmetical nicety that we would
10 have liked, yet it is commonly claimed by laymen
11 that prolonged exposure to low concentrations is
12 just as serious as short exposures to heavy
13 concentrations. Did I read that correctly?

14 A. Yes.

15 Q. This claim is contrary to a fundamental
16 law of physiology. When you were being trained as
17 an industrial hygienist, did you have courses in
18 physiology?

19 A. Yes.

20 Q. In discussing the subject, Clark and
21 Drinker, Industrial Medicine 1935, remarked that a
22 sub-threshold stimulus, (dust inhalation) for a
23 long time produces no reaction whereas a relatively
24 brief super threshold stimulus may cause a reaction.
25 Did I read that correctly?

26

1 A. Yes.

2 Q. Is that something you understood to be
3 true?

4 A. For some substances, yes.

5 Q. If workers are exposed to sudden heavy
6 concentrations, the threshold value suggested
7 previously would be correspondingly lowered. Did
8 you understand that as a principle of industrial
9 hygiene when you were studying it at Harvard?

10 A. Yes, but I don't think this paragraph was
11 specifically related to asbestos, so I wouldn't have
12 necessarily understood that as relating to asbestos.

13 Q. We are going to move on. See if we can
14 tie it up later. Go to page 27.

15 A. All right.

16 Q. Do you see where it says, this is entitled,
17 Insulating Operations, correct?

18 A. Yes.

19 Q. Do you see where it says what
20 physiological reactions are provoked by insulating
21 materials?

22 A. Yes.

23 Q. According to Dr. Leroy Gardner, there's a
24 citation to an article, asbestos dust with its
25 fibrous particles does not seem to be readily
26

1 handled by the protective mechanism of the lung,
2 correct?

3 A. Yes.

4 Q. Then a little further down under section B
5 there's a question. What are the principal
6 insulating operations and how much dust is produced
7 during such operations. Do you see that?

8 A. Yes.

9 Q. And the first thing it says is insulating
10 steam lines, correct?

11 A. 12 inch steam lines, yes.

12 Q. Is that something that happened at Chevron
13 facilities?

14 A. Yes.

15 Q. And when they did dust counts they found
16 considerable dust as high as 18 million particles of
17 less than ten microns per cubic foot?

18 A. That's what this says.

19 Q. That happens just from tapping insulation
20 blocks into place, true?

21 A. That's what it says.

22 Q. It also says that samples taken while
23 applying asbestos sponge felt to a 12 inch steam line
24 had a dust concentration as high as 23,788,800
25 hundred particles of 10 microns or less, correct,
26

1 and that the average was 12,000 plus?

2 A. Yes. I'm not familiar with the term
3 asbestos sponge felt.

4 Q. The next section talks about insulating
5 cracking coil accumulators. Did that happen at the
6 the Chevron facilities?

7 A. I don't know what that device is.

8 Q. The next section talks about insulating
9 treating plant acid suction lines. Do you know what
10 they are?

11 A. No, I don't know specifically what
12 that is.

13 Q. The next talks about insulating a cracking
14 coil. Do you know what a cracking coil is?

15 A. I don't know what a cracking coil is,
16 no.

17 Q. Isn't the cracking coil kind of the
18 essence of how petroleum gets refined?

19 A. When I was working there was
20 something called the fluid Catalytic cracker. I
21 don't know if it is a coil. It had a big reactor.

22 Q. Do you see where it says a carpenter's
23 handsaw for insulating hot oil lines produced dust
24 in excess of 7 million particles?

25 A. Where are you? Under the cracking coil?
26

1 Q. Yes.

2 A. Yes.

3 Q. Underneath it says dismantling or removing
4 old insulation. That is something that happened in
5 every Chevron refinery, correct?

6 A. Yes.

7 Q. And it says as a general rule the
8 dismantling or removal of old insulation is a more
9 dusty operation than the application of new
10 insulation. The old insulation is chopped or cut
11 with a hatchet or a small hand axe and pried loose
12 and pulled off with the hands.

13 Do you see that?

14 A. Yes.

15 Q. Is that a practice you understood to
16 happen in Chevron facilities?

17 A. No. I don't remember that.

18 Q. Would you agree that Chevron was aware
19 that as a general rule the dismantling or removal of
20 old insulation is a more dusty operation than the
21 application of new insulation?

22 A. That was my understanding, although it is
23 interesting the numbers they show are lower than the
24 numbers they showed for the installation.

25 Q. I'm sorry?

26

1 A. The numbers he showed for the exposures
2 were lower in this paragraph than they were when he
3 was describing installation.

4 Q. How did they compare to the numbers you
5 found when did you your hygiene surveys?

6 A. I never used this technique for measuring
7 asbestos.

8 Q. Now, if we can go to page 73, it says part
9 three, measures for reductions of the dust hazard.
10 Do you see that?

11 A. Yes.

12 Q. The question is how can the dust hazard be
13 reduced? Do you see that?

14 A. Yes.

15 Q. Suppression of dust near its origin by the
16 use of exhaust, dust traps or water. It goes on to
17 explain that. Do you see that?

18 A. Yes.

19 Q. These were principles of industrial
20 hygiene known to Chevron going back to the 1930s,
21 correct?

22 A. Yes.

23 Q. And it says proper ventilation?

24 A. Excuse me. I don't know when Chevron
25 received this document.

26

1 Q. Was it known as a principle of industrial
2 hygiene as part of your study going back to before
3 the '50s that one of the ways you protect from
4 exposure to dust is to suppress the dust?

5 A. Yes. Whether it was known to Chevron, I
6 cannot tell you.

7 Q. And it says proper ventilation in
8 connection. Is that something that was known as a
9 principle of industrial hygiene to protect against
10 dust hazards?

11 A. Yes.

12 Q. And it says masks should be an ideal
13 preventive measure, but unfortunately most of the
14 masks stopping the dust also stop the respiration,
15 thus necessitating their frequent removal.

16 Did you understand that to be the case?

17 A. By the time I got involved with the field
18 I don't recall that being a problem anymore.
19 Technology improved by then.

20 Q. Did you understand that to be a problem
21 historically?

22 A. I never remember hearing that particular
23 thing.

24 Q. A little further down it talks about dust
25 respirators and air masks. Respirators and masks
26

1 of various types have been used since the days of
2 the alchemists and are mentioned by Agricola, Ramazzini
3 and others. You know who Ramazzini is, correct?

4 A. Yes.

5 Q. How long ago did Ramazzini live?

6 A. Long, long time ago centuries ago.

7 Q. He was one of the fathers of industrial
8 hygiene, correct?

9 A. Yes.

10 Q. That is something you learned about in
11 your training at Harvard, correct?

12 A. Yes.

13 Q. And as far as back as Ramazzini, if you
14 wanted to prevent people from getting dust related
15 disease, one of the things that was known was to
16 give them respiratory protection, correct?

17 A. That was one of the things that was done,
18 yes.

19 Q. Now, can you go to 74, please?

20 A. All right.

21 Q. It says under the section A, design plant
22 for dust control. It says much can be accomplished
23 through design of new built -- I can't read that
24 word.

25 A. I can't either.

26

1 Q. Or when old buildings are to be remodeled.
2 For instance, structural projections and ledges may
3 be minimized to prevent the accumulation of dust
4 that might later be released into the atmosphere or
5 by air currents or building vibration caused by
6 traveling cranes, vibrating machinery and
7 equipment that have large reciprocating parts.

8 Did you understand that to be a general
9 principle of industrial hygiene when you were at
10 Harvard?

11 A. No, I never remember hearing about that.

12 Q. Is the prevention of stirring up dust into
13 the atmosphere from machinery something that Chevron
14 was concerned about while you worked there?

15 A. I would say yes.

16 Q. And how far back had they been concerned
17 about that?

18 A. Good housekeeping was a concern probably
19 as long they had operating plants.

20 Q. That would include dust created when huge
21 cranes would go over areas where insulation dropped
22 off?

23 A. I don't have any knowledge of that.

24 Q. Do you know in this case that Mr. Horvath
25 was a crane operator?

26

1 A. I was told he was a crane operator.

2 Q. Do you know what Chevron did to protect
3 Mr. Horvath from stirring up asbestos dust that he
4 drove his crane over?

5 A. No, I don't.

6 Q. A little further down it says, store dusty
7 materials in dust tight bins. Do you remember see
8 that?

9 A. Yes.

10 Q. Was that an understood principle of
11 industrial hygiene by Chevron?

12 A. Depending on the materials, yes.

13 Q. Does thin include asbestos-containing
14 materials?

15 A. Not as insulation-containing asbestos, no.

16 Q. I don't understand.

17 A. Not insulation that contained small
18 amounts of asbestos. It was not stored in dust
19 tight bins as far as I know.

20 Q. What about insulation that was knocked off
21 and in pieces?

22 A. I don't know what the practice of that
23 was. I believe they bagged it.

24 Q. How far back were they bagging it?

25 A. I have no idea.

26

1 Q. Why would you bag it?

2 A. So you wouldn't stir the dust around as
3 you were moving this disposed material to whatever.

4 Q. Do you know whether that was done in the
5 Perth Amboy facility?

6 A. I don't know.

7 Q. Should it have been done in your opinion?

8 A. I don't have an opinion on that.

9 Q. It says isolate dusty processes. Where
10 possible several or all dusty processes may be
11 isolated from the rest of the plant.

12 Did you understand that to be a principle
13 of industrial hygiene going back to the 1930s?

14 A. Yes.

15 Q. Can you tell me did Chevron isolate dusty
16 processes inside its refineries to protect employees
17 who may be exposed to asbestos-containing dust?

18 A. I don't know to what extent they did that.

19 Q. When would you use an air purifying
20 respirator versus a regular respirator?

21 A. When exposures were more likely to be
22 hazardous.

23 Q. Did you ever recommend air purifying
24 respirators to protect people from exposure to
25 asbestos?

26

1 A. Personally?

2 Q. Yes.

3 A. Air purifying respirators?

4 Q. Yes.

5 A. I believe I did.

6 Q. And when did you first start doing that?

7 A. I don't recall.

8 Q. Was it before or after 1972?

9 A. Personally I don't recall dealing with
10 asbestos much before 1972.

11 Q. And do you know when air purifying type
12 respirators were first available to workers to
13 protect them from asbestos in Chevron refineries?

14 A. No.

15 Q. Can you go to page 81, please.

16 A. All right.

17 Q. Jumping to the conclusion. Last paragraph
18 says, one common sense answer is that any atmosphere
19 in which dust is visible to the naked eye is
20 certainly too dusty to be breathed with safety by
21 human beings and the wise, farsighted, human employer
22 will immediately start to decrease the dust
23 content in any atmosphere where dust is
24 visible.

25 Did you understand that to be a principle

26

1 of industrial hygiene going back to the 1930s?

2 A. No.

3 Q. Do you agree with this?

4 A. No, I don't think I do.

5 Q. Will you agree with me that dust may be
6 invisible and still be harmful? Asbestos-containing
7 dust may be invisible and still be harmful?

8 MR. LaSALA: Objection to the form.

9 A. It may be.

10 Q. Now, just flip to the last page, 82,
11 please. Do you see all these people at the bottom?

12 A. Yes.

13 Q. One is Mr. Yant, director of research and
14 development for Mine Safety Appliances Company. Do
15 you see that?

16 A. Yes.

17 Q. Mine Safety Appliances supplied respirators
18 to Chevron, didn't they?

19 A. Yes.

20 Q. Chevron had access to this individual if
21 they wanted to, didn't they?

22 A. Yes.

23 Q. Then there's a Dr. R.R. Sayers, senior
24 surgeon of the U.S. Public Health Service. Do you
25 know who he is?

26

1 A. Other than his title printed here, no, I
2 don't remember the name.

3 Q. Would there have been anything to preclude
4 Chevron from consulting with the U.S. Public Health
5 Service about how to protect employees and their
6 families?

7 A. No.

8 Q. The next is Mr. Daniel Harrington, Chief,
9 Health and Safety Division, U.S. Bureau of Mines.
10 Anything that would prevent Chevron from consulting
11 with this man in 1937 if they wanted to know more
12 about protecting worker health and safety?

13 A. Probably not.

14 Q. The last man is H.N. Blakeslee, Department
15 of Accident Prevention, American Petroleum
16 Institute. Do you see that?

17 A. Yes.

18 Q. At some point in time Chevron actually
19 became a member of that institute, correct?

20 A. Yes.

21 Q. Do you know when it first became a member?

22 A. No.

23 Q. Do you know what I mean when I say maximum
24 allowable concentration?

25 A. Yes.

26

1 Q. What does that mean?

2 A. That is the term that was used by the
3 American Conference of Environmental Hygienists
4 before they adopted the term threshold limit value.

5 Q. Maximum allowable doesn't mean a weighted
6 average, it means the maximum you could go to,
7 correct?

8 A. No, I don't believe it does. I believe it
9 was -- it meant the time weighted average. As far
10 as -- my recollection is that. When they changed
11 the name to threshold limit value, it was only a
12 name change.

13 Q. Maximum meaning you shouldn't go above
14 that?

15 A. That was the terminology used.

16 Q. And Chevron used the term maximum
17 allowable concentrations as acceptable level of
18 contaminants in their refineries, including
19 asbestos, true?

20 A. It used that term as a commonly used term.

21 Q. Going back to the 1950s, correct?

22 A. Probably.

23 Q. The maximum allowable concentration for
24 asbestos dust in the '50s was 5 million particles
25 per cubic foot, right?

26

1 A. That's my understanding.

2 Q. Meaning that you shouldn't go above that?

3 A. Shouldn't have time weighted average
4 exposure above that.

5 Q. But it was not an assurances that
6 exposures below that were going to absolutely
7 protect you, right?

8 MR. LaSALA: Objection to the form.

9 A. That's true. That is one of the
10 principles of the threshold limit values.

11 Q. One of the things you learned as being
12 trained in industrial hygiene is there may be
13 people -- that should protect most people, but there
14 may be people exposed under the threshold limit
15 that could still be injured, true?

16 A. That's in the preamble of the threshold
17 limit values, yes.

18 Q. I put up on the screen a photograph of a
19 book by Dr. Hueper. Do you know who Dr. Hueper was?

20 A. No, I don't. I guess it has his title
21 there, but I don't know who he was.

22 Q. Are you aware or have you been shown by
23 Chevron any of the writings of Dr. Hueper as it
24 relates to asbestos and cancer?

25 A. I remember hearing his name before. I
26

1 don't remember ever using his materials while I was
2 working for Chevron.

3 Q. Are you aware that as early as 1942
4 Dr. Hueper wrote in his textbook about asbestos and
5 cancer?

6 A. I believe I heard that before.

7 Q. You are aware that your boss, along with
8 the Chevron medical director, attended meetings of
9 the American Petroleum Institute and Medical
10 Advisory Committee, correct?

11 A. Some organization called that or something
12 else, yes.

13 Q. In fact, that was in his deposition,
14 correct?

15 A. I believe so, yes.

16 MR. PLACITELLA: Please mark these P-4,
17 P-5 and P-6.

18 (The above documents are marked as P-4,
19 P-5 and P-6 for Identification.)

20 Q. I put before you what's been marked P-4,
21 which is a July 2, 1945 report entitled Carcinogenic
22 Hydrocarbons and Related Compounds, a Literature
23 Review. On the top, for information only, not for
24 publication. A contribution of information to the
25 members of the API Medical Advisory Committee.

26

1 Have you ever seen this document before?

2 A. I don't recall ever seeing this document.

3 Q. Can you turn to the first page, second
4 full paragraph says, "while carcinogenic properties
5 are generally associated with certain polynuclear
6 aromatics and their derivatives, there are many
7 substance entirely unrelated to these compounds
8 which have been reported as having similar
9 cancer-producing ability "

10 Do you see that?

11 A. Yes.

12 Q. It says, "among these may be mentioned
13 asbestos." Do you see that?

14 A. Yes. I see that.

15 Q. Was this information ever related to you
16 by anyone at Chevron, that as far back as 1945 there
17 were reports given to the American Petroleum
18 Institute about asbestos and cancer from another
19 manufacturer?

20 A. I don't recall that, no.

21 Q. Was this information ever provided to you
22 by Chevron as part of your research in preparation
23 for today's deposition?

24 A. No.

25 Q. I'm going to move through this quickly.

26

1 If you don't know about it, fine.

2 I put up an excerpt from Hueper, the same
3 Hueper in 1948 entitled Environmental and
4 Occupational Cancer.

5 There's a section on asbestos.
6 Do you see that?

7 A. I see it is up there, yes.

8 Q. Were you ever shown this information by
9 Chevron during the time that you worked for them?

10 A. Not that I recall.

11 Q. Were you ever shown this information in
12 preparation for your deposition today?

13 A. No.

14 Q. Do you know what the American Public
15 Health Association is?

16 A. Yes.

17 Q. Were you ever a member?

18 A. No.

19 Q. I'll move to the next one.

20 Did you know that Chevron was a member of
21 the API Safety Committee board of directors as far
22 back as 1948?

23 A. That doesn't surprise me.

24 Q. Have you seen this document before?

25 A. I don't recall ever seeing this document,

26

1 no.

2 Q. Was this document ever shared with you
3 while you were employed by Chevron?

4 A. Not that I recall.

5 Q. This is a document Entitled Occupational
6 Cancer, a Challenge to the Physician, sponsored by
7 the Medical Society of the State of New York.

8 A. I see that.

9 Q. Could you turn to page five of the
10 document?

11 A. Okay.

12 Q. Do you see where it says the New York
13 State Occupational Cancer Committee, an unofficial
14 agency with the following membership. Do you see
15 that?

16 A. Yes.

17 Q. And do you see that the American Petroleum
18 Institute was a member of that committee?

19 A. I see that, yes.

20 Q. And at this point in time Standard Oil of
21 California was already a member of the American
22 Petroleum Institute, wasn't it?

23 A. I don't know what the date of this
24 document is.

25 Q. 1949.

26

1 A. Okay. I believe so, yes.

2 Q. And do you see that Dr. Hueper, the person
3 who wrote the book, is also sitting on the same
4 committee?

5 A. Yes.

6 Q. Could you flip to page 14. Do you see
7 where it lists asbestos as a potential cancer agent
8 for the respiratory system?

9 MR. LaSALA: Objection to the form.

10 A. I see asbestos is listed on here. It is
11 hard to read the title.

12 Q. In fact, one of the things that was being
13 monitored by this committee way back in 1949 was
14 mesothelioma, true?

15 A. I don't see that on here.

16 Q. Look at this page here. Flip a few pages.

17 A. I see it is listed here.

18 Q. Terms and pathological diagnoses included
19 under cancer and other malignant tumors and
20 mesothelioma is listed, correct?

21 A. I see that, yes.

22 Q. Now, this particular document, were you
23 aware, it was circulated widely within the American
24 Petroleum Institute?

25 A. No, I'm not aware of that.

26

1 MR. PLACITELLA: We have to change the
2 tape.

3 (Recess taken)

4

5 Q. You have in front of you an April 12, 1949
6 report entitled Summary of the Plant Industrial
7 Hygiene Problems by Berry, Hammonda, Bonsib and
8 Hendricks. The medical Department Research Section
9 Standard Oil Company of New Jersey. Do you see
10 that?

11 A. Yes.

12 Q. Have you ever seen this document before?

13 A. I don't recall seeing this document.

14 Q. This was never shared with you by Exxon --
15 I mean by Chevron?

16 A. I don't recall.

17 Q. This man Hammond, you knew him, correct?

18 A. I knew him a little bit, yes.

19 Q. You saw him at API meetings?

20 A. I saw him occasionally at API meetings.

21 He was kind of going out about the time I was coming
22 in.

23 Q. And this is also authored by the same
24 Mr. Bonsib who authored the 1937 report 12 years
25 earlier, correct?

26

1 A. Yes.

2 Q. By this time the knowledge concerning the
3 dangers of asbestos had progressed. Would you
4 agree?

5 A. According to the things you showed me
6 earlier. There's some more information, yes.

7 Q. Now, I tried to put little stickers to
8 make it easy. If you go to the first sticker, you
9 see a page 4?

10 A. Yes.

11 Q. Just to be clear, there's multiple phases
12 to this report and the section of this report is by
13 Hammond, the same man. If you go back a few pages
14 so we are on the same page, page 1?

15 A. Yes.

16 Q. It is industrial hygiene problems observed
17 in the Bayway refinery, right?

18 A. Baytown refinery.

19 Q. Do you know where that is?

20 A. Texas, I believe.

21 Q. And if you go back to page 4 -- let me
22 shortcut to the section. Go to the last tab here.

23 A. Last tab?

24 Q. Last tobacco. We will stay with cancer
25 for a second.

26

1 Do you see where it says this is part of
2 an appendix summary of preliminary industrial
3 hygiene survey at Baytown?

4 A. Yes.

5 Q. And under the section says material or
6 condition, silica and asbestos?

7 A. Okay.

8 Q. Do you see that?

9 A. Yes.

10 Q. It says potential diseases, silicosis,
11 fibrosis, erythema and cancer of the lung?

12 A. Yes.

13 Q. And what occupations does it say are at
14 risk for cancer of the lung?

15 A. Brick masons and helpers, insulators,
16 laborers and pipe benders.

17 Q. These aren't people who just applied
18 insulation, correct?

19 A. Some of them are not.

20 Q. Can you tell me at what point in time
21 Chevron or Standard Oil of California warned brick
22 mason's, helpers, laborers or pipe benders that they
23 might be able to get cancer from working with or
24 around asbestos?

25 MR. LaSALA: Objection to the form.

26

1 P-7.

2 (The above document is marked as
3 P-7 for Identification.)

4 Q. Have you ever seen this document before?

5 A. What is the date of the document?

6 Q. 1951. April 12, 1951.

7 A. I don't recall seeing this document.

8 Q. This document refers to the moral
9 responsibility of preventing occupational disease,
10 including cancers, correct?

11 A. You are referring to the bottom of the
12 page.

13 Q. Yes, sir.

14 A. It is kind of a double negative in here.
15 I think it speaks for itself.

16 Q. And this was something that was recognized
17 from at least the early 1950s by the organization
18 that your company was a part of?

19 A. Without carefully reading the whole
20 document, I couldn't come to that conclusion.

21 Q. Are you aware of the 1955 monograph by
22 Mr. Hueper or Dr. Hueper concerning environmental
23 causes of cancer of the lung?

24 A. I'm not specifically.

25 Q. You are aware, I assume, that your boss
26

1 started at Chevron in the early 1950s?

2 A. 1955.

3 Q. And the very year that he started working
4 at Chevron he was aware of the relationship between
5 asbestos and cancer. You are aware of that,
6 correct?

7 A. I don't know that that's true.

8 Q. He never told you during the entire time
9 you worked there that he knew about the dangers of
10 asbestos and cancer from the very first day he
11 walked on the job?

12 A. No, he never did.

13 Q. I want to show you -- see if this helps
14 refresh your memory, Mr. Spencer's testimony --

15 A. Spencer?

16 Q. Spence. Sorry, I did this late at night.
17 Page 131, do you have it, counsel?

18 MR. LaSALA: I do, thank you.

19 Q. And he is asked, "And by 1955 you had
20 learned that asbestos or asbestosis were suspected
21 of being causally connected with certain forms of
22 cancer. Isn't that true? Yes, I think Hueper was
23 one of the people who put that on his list."

24 Did I read that correctly?

25 A. Yes.

26

1 Q. Does that refresh your memory as to when
2 your boss first had information concerning the
3 association between asbestos and cancer?

4 A. I think someplace in this transcript it
5 refers to the fact he may not have learned it at
6 that point, but learned it much later when he was
7 preparing for a deposition of his own, but I'm not
8 sure.

9 Q. You think he recanted this testimony
10 somewhere?

11 A. He may have. It is a recollection that
12 I have.

13 Q. The problem is he never told you about
14 what he knew about asbestos and cancer, did he?

15 A. He never told me what knew. He never said
16 there was a relationship to me. Never told me that
17 specifically.

18 Q. As somebody who dedicated their life to
19 protecting the health and safety of workers, isn't
20 that something you would have liked to know if your
21 boss knew it?

22 MR. LaSALA: Objection to the form.

23 A. Yes.

24 Q. He also said he went to the API Medical
25 Committee meeting with the Chevron Medical Director,
26

1 or Standard Oil Medical Director. Do you remember
2 that testimony?

3 A. Yes.

4 MR. PLACITELLA: Please mark this P-8.

5 (The above document is marked as
6 P-8 for Identification.)

7 Q. P-8 is a 1955 Medical Advisory Committee
8 Report and Publications listing. Do you see that?

9 A. Yes, I do.

10 Q. Were you ever shown this document during
11 the course of your work at Chevron or Standard Oil?

12 A. I don't remember seeing it.

13 Q. Were you ever shown this by Chevron in
14 preparation for your deposition?

15 A. I don't recall that I did.

16 Q. Turn to the page Bates marked 07814. Do
17 you see that?

18 A. Yes.

19 Q. Do you see number 7, the carcinogenicity of
20 bituminous compounds?

21 A. Yes.

22 Q. Is that the document we looked at before?

23 A. I don't think it is.

24 Q. We will go back during the break. The
25 next one says some selected chemicals employed in
26

1 the petroleum industry, their uses and necessary
2 precautionary safeguards by Bonsib, 1946. Was that
3 ever shared with you?

4 A. I don't remember seeing that document.

5 Q. Number 9 is Environmental and Occupational
6 Cancer, W.C. Hueper, Public Health Reports. Do you
7 see that?

8 A. Yes.

9 Q. That is the one I put up there before
10 that. You were never shown, right?

11 A. Yes.

12 Q. The next one is 10, Industrial Work
13 Clothes, Their Provision and Laundering by Roy S.
14 Bonsib. Do you see that?

15 A. I see that.

16 Q. Were you ever given that?

17 A. I don't remember ever seeing anything like
18 that.

19 Q. And number 12 is Occupational Cancer, a
20 Challenge to the Physician, New York State
21 Occupational Cancer Committee.

22 A. Yes.

23 Q. Do you recall seeing that?

24 A. Saw that.

25 Q. That is a document we went over before,
26

1 correct?

2 A. Yes.

3 Q. So all these publications were available
4 to Chevron from the first day your boss set foot on
5 on Standard Oil property, correct?

6 MR. LaSALA: Objection to the form.

7 A. I don't know it was available on the first
8 day.

9 Q. In the first year?

10 A. I don't know when this was published, so I
11 can't say that.

12 Q. It is a listing up to 1955, sir.

13 A. Right.

14 MR. PLACITELLA: Please mark this P-9.

15 (The above document is marked as
16 P-9 for Identification.)

17 Q. Now, Mr. Dryden, this is an article
18 published from Diseases of the Chest in 1956. Are
19 you aware of that publication? Of the publication
20 generally, not the article.

21 A. I have a vague recollection of that as a
22 journal, I guess.

23 Q. And the title of this article is Malignant
24 Mesothelioma of the Pleura, H.B. Eisenstadt, M.D.,
25 Port Arthur, Texas. Do you see that?

26

1 A. Yes.

2 Q. Have you ever seen this document before?

3 A. I don't have a recollection of seeing it.

4 Q. This is not something that was given to
5 you by Chevron to familiarize you of the potential
6 hazards of people working in a refinery, correct?

7 MR. LaSALA: Objection to the form.

8 A. In this case?

9 Q. No. At any time.

10 A. At any time. I don't recall ever seeing
11 it.

12 Q. Now, this was in the open medical
13 literature and therefore available to Chevron with
14 all its resources as we discussed, correct?

15 A. Yes.

16 Q. And could you go to page 3, please.
17 Do you see where it talks about who is being
18 reported on?

19 A. Yes.

20 Q. This is not somebody who applied
21 insulation, this is a refinery foreman, correct?

22 A. Yes.

23 Q. It is a refinery foreman who developed
24 mesothelioma, correct?

25 A. Yes.

26

1 Q. And this was known by virtue of this
2 document that people who did not work --

3 A. Excuse me. I'm not picking up this was
4 about mesothelioma specifically. It was a refinery
5 foreman.

6 Q. The whole article is about mesothelioma
7 and what they found in this foreman.

8 A. Okay.

9 Q. If during lunch you want to take a look at
10 it and you think I'm mischaracterizing, we will go
11 back to it.

12 A. I'm not suggesting you are.

13 Q. And Chevron never told you, or Standard
14 Oil never told you that as early as 1956 there were
15 people, just foremen that coming down with
16 mesothelioma who worked in refineries?

17 MR. LaSALA: Objection to the form.

18 Q. Did they?

19 A. I'm sorry. I need to have the question
20 refreshed.

21 Q. I'll withdraw the question.

22 MR. PLACITELLA: Please mark this P-10.

23 (The above document is marked as
24 P-10 for Identification.)

25 Q. I've given you an article from

26

1 November 1960 entitled Primary Malignant
2 Mesothelioma of the Pleura by the same Eisenstadt
3 and now an additional Dr. Wilson. Do you see that?

4 A. Yes.

5 Q. Also out of Port Arthur, Texas.

6 A. Yes.

7 Q. Do you understand they had refineries in
8 Port Arthur, Texas?

9 A. Yes.

10 Q. And is this the first time you have ever
11 seen this document?

12 A. I can't say for sure.

13 Q. If you look under where it says case
14 reports on the first page, do you see that?

15 A. Yes.

16 Q. And it talks about case number 1?

17 A. Yes.

18 Q. A 57 year old refinery foreman noticed a
19 diffuse pain in his upper chest and upper abdomen
20 which gradually increased in intensity. The onset
21 very insidious and his initial discomfort was at
22 first not clearly separated from a previously
23 present angina pectoris in spite of the fact that
24 the chest pain had changed in character and
25 persistence and no longer responded to vasodilating
26

1 remedies. Do you see that?

2 A. Yes.

3 Q. This is the same foreman from the earlier
4 article, isn't it?

5 A. It appears to be.

6 Q. Go to the next page, please. The second
7 page talks now about an additional oil refinery
8 foreman with mesothelioma, doesn't it?

9 A. Yes.

10 Q. Please go to page 514, the last paragraph.
11 Do you see where it says our second case is
12 particularly interesting because of the history --

13 A. Okay, now I got it.

14 Q. Of long-time exposure to asbestos and the
15 discovery of asbestos bodies in the lung biopsy
16 specimen. The etiologic association of asbestos and
17 malignant mesothelioma has been repeatedly discussed
18 in the literature. Not all investigators agree
19 that exposure to asbestos predisposes to malignancy
20 of the pleura. However, such history alerted the
21 suspicions of the authors in the second case, and
22 they talk about his autopsy. Do you see that?

23 A. I see that.

24 Q. Was this information ever transmitted to
25 you by Standard Oil Company of California or Chevron

26

1 in apprising you of the potential risks of people
2 who work in refineries?

3 A. Not that I recall.

4 Q. Typically refinery foremen, sir, aren't
5 people who physically handle asbestos, correct?

6 A. I'm not sure.

7 Q. Their job is usually to walk around and
8 see what people do. Would you agree with that?

9 A. Some foremen may be actually working
10 foremen.

11 Q. Now, you are aware that by 1960 the state
12 of medical knowledge had changed again and that
13 people who never worked with asbestos were being
14 found to have mesothelioma? Are you aware of that?

15 A. I can't draw that conclusion from these
16 papers.

17 Q. So up to this point in time that's not
18 something that you are aware of from anything
19 you reviewed?

20 A. What is not?

21 Q. That people non-occupationally exposed to
22 asbestos were getting mesothelioma as early as 1960.

23 A. I didn't have any knowledge of that.

24 Q. Sir, were you ever made aware of the study
25 by Wagner in 1960 that related to household and

26

1 environmental exposures?

2 A. I don't recall this either.

3 Q. You were aware of Dr. Selikoff as an
4 expert in asbestos-related disease, correct?

5 A. Yes.

6 Q. In fact, you personally attended symposium
7 by Dr. Selikoff on asbestos?

8 A. I don't recall that, but if I testified to
9 that before, I would not recant that testimony.

10 Q. That's fine. And as part of your research
11 were you ever given materials from the 1964
12 conference on the biological effects of asbestos
13 hosted by Dr. Selikoff?

14 A. I don't recall. I don't know whether I
15 did or not.

16 Q. You just don't recall as you sit here
17 today?

18 A. I don't recall. I didn't in preparation
19 for this, but I don't recall whether I did before
20 this.

21 Q. Are you aware of a conference in New York
22 where many companies attended that was hosted by Dr.
23 Selikoff where he published extensively in a book
24 about the dangers of asbestos?

25 A. I have a recollection, faint recollection
26

1 of that.

2 Q. And are you familiar with the fact that
3 Dr. Hueper, the same Dr. Hueper who was an advisor
4 to the API, presented at that conference?

5 A. Am I aware of what?

6 Q. That Dr. Hueper presented at that
7 conference?

8 A. No.

9 MR. PLACITELLA: Please mark this P-11.

10 (The above document is marked as
11 P-11 for Identification.)

12 Q. I put up in front of you P-11, which is
13 entitled Occupational and Non-Occupational Exposure
14 to Asbestos, W.C. Hueper of the National Cancer
15 Institute. Have you ever seen this document before?

16 A. I don't recall seeing it.

17 Q. Do you recall whether this information in
18 this document was ever shared by Chevron or Standard
19 Oil Company of California with you?

20 A. I haven't seen the document and I don't
21 recall anyone sharing the information.

22 Q. It says on the first page that since 1935
23 an increasing amount of epidemiologic, clinical and
24 pathologic evidence moreover incriminates this
25 health hazard as one of the environmental sources of
26

1 cancer of the lung and more recently also of
2 mesothelioma of the pleura and peritoneum, although
3 some commercially interested parties and their
4 medical guardians and protectors still prefer for
5 their own reasons and motives to deny the existence
6 of the dangerous and usually fatal sequelae of a
7 respiratory contact with asbestos dust. Did I read
8 that correctly.

9 A. Well done.

10 Q. Was that something that Chevron was still
11 denying in 1964?

12 MR. LaSALA: Objection to the form.

13 A. I don't know that Chevron was denying it.
14 I don't know what Chevron's knowledge was.

15 Q. When you started there and got trained in
16 1968, did they ever tell you that non-occupationally
17 exposed people could get mesothelioma?

18 A. No.

19 Q. Could you flip over to page 188. Do you
20 see down where it says population groups with
21 occupational and environment exposure to asbestos?

22 A. Yes.

23 Q. Do you see on the right hand side where it
24 says non-occupational groups?

25 A. Yes.

26

1 Q. It says residents in vicinity of asbestos
2 processing and textile mills inhaling plant
3 effluents polluted with asbestos dust and
4 individuals living and working along roads on which
5 asbestos is trucked; and inhabitants of houses with
6 asbestos insulation. Did I read that correctly?

7 A. Yes.

8 Q. At this point in time can you tell me what
9 Chevron was doing in its facilities where it was
10 making asbestos-containing products to prevent the
11 asbestos from being released into the atmosphere?

12 A. Tell me again the date of this?

13 Q. 1964.

14 A. No, I can't. I wasn't there.

15 Q. Do you see on that same page, sir, where
16 it talks about occupational groups at risk?

17 A. Yes.

18 Q. And it includes carpenters?

19 A. Yes.

20 Q. And construction workers, right?

21 A. Okay.

22 Q. That is different from people who are
23 installing the asbestos, that's listed separately,
24 correct?

25 A. Yes.

26

1 Q. Were you made aware when you started with
2 Chevron or Standard Oil in 1968 that there was
3 respected public literature that carpenters and
4 construction workers were at risk of getting
5 mesothelioma?

6 MR. LaSALA: Objection to the form.

7 A. No, I was not aware of that.

8 Q. Go to the top of 189, please. It says,
9 therefore, air polluted with asbestos dust
10 (repairmen, maintenance men, engineers, mechanics,
11 laboratory technicians, office workers, medical
12 personnel, truckers, railroad workers, yardmen,
13 construction workers, shipyard workers, automobile
14 plant and garage employees.)

15 Do you see that?

16 A. Yes.

17 Q. All people that this author from the
18 National Cancer Institute and advisor to the API say
19 were at risk for getting asbestos disease, correct?

20 A. Yes, I believe these are the same. I
21 didn't looked at it carefully. Basically the same
22 professions.

23 Q. Now, that even included homes that were
24 insulated with asbestos, right?

25 A. Yes.

26

1 Q. Sir, I'm not going to go through this one
2 in detail. Were you ever shown this document by
3 Newhouse and Thompson on the Epidemiology of
4 Mesothelioma Tumors in the London area published in
5 1965?

6 A. I don't recall this article.

7 Q. So you have no knowledge about what that
8 article talks about when it talks about domestic
9 exposure?

10 A. Other than what is highlighted here no.

11 Q. You are aware my client, Mrs. Horvath,
12 died of mesothelioma and her exposure was domestic,
13 correct?

14 A. That's my understanding.

15 Q. And based on this information that I have
16 shown you, Chevron had the opportunity to tell
17 Mr. Horvath how to protect his wife, correct?

18 MR. LaSALA: Objection to the form.

19 A. Chevron had the opportunity to tell
20 Mr. Horvath --

21 Q. About mesothelioma and asbestos and how to
22 how to protect his wife.

23 MR. LaSALA: Same objection.

24 A. I think that is a stretch from what I've
25 seen.

26

1 Q. Okay. You are entitled to your opinion.

2 Now, can you tell me why a company would
3 do a cancer study of its own workers and then agree
4 to keep that information confidential and silent and
5 not tell anybody?

6 MR. LaSALA: Objection to the form.

7 A. No.

8 Q. Is that something that you would condone
9 as someone who has dedicated their life to protecting
10 the public health?

11 MR. LaSALA: Objection to the form.

12 A. If it showed there were hazards, I would,
13 yes, I would object to that.

14 MR. PLACITELLA: Please mark this P-12.

15 (The above document is marked as
16 P-12 for Identification.)

17 Q. Have you had time to look at it?

18 A. I looked at the first paragraph.

19 Q. Have you ever seen this document before?

20 A. I don't recall seeing this document, at
21 least not the cover letter.

22 Q. And it is a November 22, 1965 document on
23 Shell Oil Company letterhead?

24 A. Yes.

25 Q. The first paragraph says, there has
26

1 been considerable discussion in medical circles in
2 recent years concerning the possibility of harmful
3 effects to insulators from long term exposure to
4 asbestos. This matter has been a recent subject of
5 an investigation by the API Central Committee on
6 Medicine and Health. Attached is a report which
7 summarizes the current status of the study which was
8 presented at the mid-year API meeting of the Central
9 Committee.

10 Your boss was on that committee at this
11 point in time, wasn't he?

12 A. I'm not familiar with the term Central
13 Committee, but I think so.

14 Q. It includes a summary of the finding from
15 a recent survey of workers in the petroleum industry
16 to determine if there was any potential problems
17 from exposure to asbestos. Do you see that?

18 A. Yes.

19 Q. And then the next page talks about the
20 health of refinerymen applying asbestos insulation?
21 Do you see that?

22 A. Yes.

23 Q. It starts out by saying recent reports
24 describing a high incidence of pulmonary
25 neoplasms -- that's cancer, right?

26

1 A. Yes.

2 Q. -- among asbestos workers has focused
3 attention on the health of refinery craftsmen
4 engaged in insulation activities. To obtain
5 information relative to the experience of petroleum
6 companies with the help of their insulators, members
7 of the medical and health committee were polled
8 inviting them to contribute personnel
9 information on this subject to a common pool. I
10 read that correctly?

11 A. Personal information.

12 Q. Personal. Assurances were offered that
13 the identity of the donor and the source of the
14 information would not be revealed to preserve their
15 confidentiality. Do you see that?

16 A. Yes.

17 Q. Before presenting an analysis of the
18 available information on petroleum company
19 experience, a brief history of asbestos as an
20 industrial hazard is appropriate. Do you see that?

21 A. Yes.

22 Q. Now, why, as someone involved in public
23 health, would a condition for doing a study be not
24 to tell anybody what the results were?

25 MR. LaSALA: Objection to the form.

26

1 Q. Or who contributed them?

2 MR. LaSALA: Objection to the form.

3 A. Mainly, I think, this was to avoid other
4 oil companies to know what was contributed by the oil
5 companies that had done the study.

6 Q. Well, the problem is at this point in time
7 Chevron really had nothing to contribute to this study
8 because they weren't following the health of their
9 employees, true?

10 MR. LaSALA: Objection to the form.

11 A. I don't agree they weren't following the
12 health of their employees.

13 Q. They weren't taking x-rays of the
14 employees at this point who were exposed to
15 asbestos, right? That didn't happen until 1972.

16 A. They were doing periodic physicals of all
17 employees regardless of their occupation.

18 Q. So, to your knowledge did Chevron
19 contribute to this study?

20 A. I don't know.

21 Q. You're eventually in charge of industrial
22 hygiene. Was the results of this study ever made
23 known to you?

24 A. I don't know because this is a preliminary
25 audit. I don't know what the final results would

26

1 look like.

2 Q. Was any internal study made of the
3 American Petroleum Industry results made known to
4 you?

5 A. I don't recall.

6 Q. Do you think that was something --

7 A. You are talking about when I was -- early
8 stages of my career?

9 Q. At any point in time.

10 A. Any point in time. Yes. I remember
11 hearing about some epidemiology study. This is an
12 exposure study.

13 Q. And if you just go to the last page, page
14 4, the author says that based upon personal
15 observations, it is his opinion that the inhalation
16 exposure to asbestos among refinery insulators is
17 neither minimal nor insignificant and I urge the
18 medical and health committee to continue studying
19 this potential health problem. Did I read that
20 correct?

21 A. Yes.

22 Q. Do you know whether the medical and health
23 committee continued to study this problem?

24 A. I don't.

25 Q. Were you ever given the results of any

26

1 study conducted by the medical and health committee
2 of the American Petroleum Institute of insulation
3 exposure inside refineries?

4 A. I don't recall whether I was.

5

6 (LUNCHEON RECESS)

7

8 MR. PLACITELLA: Mark this P-13.

9 (The above document is marked

10 as P-13 for Identification.)

11 Q. Mr. Dryden, over lunch did you have the
12 opportunity to look at any of the documents you went
13 through to see if there were any corrections you
14 wanted to make?

15 A. No.

16 Q. Am I correct, that as hard as you tried
17 to make the refinery safe, even after OSHA was
18 passed, the Chevron refineries had a terrible safety
19 record?

20 MR. LaSALA: Objection to the form.

21 A. I wouldn't say that.

22 Q. Just so we want to be clear, when you say
23 you wouldn't say that, you are saying that you don't
24 believe they had a terrible safety record, not that
25 you didn't try hard?

26

1 A. Yes.

2 Q. I want the record to be clear.

3 A. I will not say I wasn't trying hard.

4 Q. Can you tell me who J.D. Moore is?

5 A. Jim Moore was the manager of the Oak Point
6 plant, I believe, at that time.

7 Q. You have in front of you a memo from J.D.
8 Moore to all supervisors, correct?

9 A. Yes.

10 Q. You have seen this before, correct?

11 A. I don't recall seeing this memo.

12 Q. You weren't shown this? You didn't see
13 this in your 1997 deposition?

14 A. Oh, I may have. I don't remember.

15 Q. It says to all supervisors. "As you know,
16 our safety record at Oak Point is terrible."
17 Correct?

18 A. Yes. that's what it says.

19 Q. Now, can you tell me. In the upper
20 right hand corner, do you know whose handwriting that
21 is?

22 A. I see TTH on there, but I don't know. I
23 think that meant he wrote it. That would be Tim
24 Hubbard.

25 Q. Who was he?

26

1 A. At the time he would have been the safety
2 supervisor or engineer for Chevron Chemical's home
3 office.

4 Q. Can you tell me why they would keep track
5 of who returned this memo after it was distributed?
6 Was that normal practice?

7 A. No.

8 Q. Somebody distributes a memo on safety and
9 somebody in the corporate office tries to get them
10 all back? Was that normal practice?

11 A. No, I don't think it was normal practice,
12 but I think it was probably because of the first
13 sentence.

14 Q. Because they didn't want it to get out
15 their the plant manager felt there was a terrible
16 safety record so they tried to collect them all
17 back?

18 MR. LaSALA: Objection to the form.

19 Q. Isn't that what that says?

20 A. I think it is probably because they didn't
21 want it to show up in 2007.

22 Q. Unfortunately it has.

23 A. It has.

24 Q. Okay. Now, Chevron never developed a
25 program to follow workers potentially exposed to
26

1 asbestos and their health, correct?

2 A. No, I don't think that's correct. I have.

3 Q. I put up on the screen an excerpt from
4 Mr. Spence's deposition. He is asked, did your
5 company, Chevron, ever develop such a program to
6 follow workers potentially exposed to asbestos or
7 the development of occupational disease. Answer,
8 not to my knowledge. As I say, I never heard
9 anything about it from them.

10 Do you see that?

11 A. Yes.

12 Q. He would be in a position to know,
13 wouldn't he?

14 MR. LaSALA: Objection to the form.

15 A. No, I don't think he would. He had some
16 job changes that kind of took him into other areas
17 and particularly in 1993 I wouldn't necessarily know
18 that he would remember it that well.

19 Q. When is it your recollection that Chevron
20 first started following people exposed to asbestos
21 to see if they got sick?

22 A. To see if they got sick?

23 Q. Yes.

24 A. That is a different subject, but I don't
25 know if they did specifically do morbidity studies

26

1 on asbestos workers or insulation workers.

2 Q. You don't remember?

3 A. I don't remember.

4 Q. Would you agree that the appropriate
5 response of an industrial hygienist witnessing
6 asbestos-containing visible dust would be to make a
7 study of it and ensure adequate controls for
8 employee safety?

9 MR. LaSALA: Objection to the form.

10 A. I need you to repeat that.

11 Q. Would you agree that the appropriate
12 response of an industrial hygienist witnessing
13 asbestos-containing visible dust in the plant would
14 be to make a study and ensure adequate controls for
15 employee safety, if necessary?

16 A. I think that would be a reasonable
17 approach.

18 Q. Chevron had the capability of doing
19 airborne dust sampling by the mid '50s. Do you
20 agree?

21 A. They had very primitive means of doing it
22 at that time.

23 Q. But they did have it?

24 A. Yes, they were able to do something.

25 Q. But Chevron, until sometime in the '70's,

26

1 never monitored for asbestos dust in the air, true?

2 A. I don't know. Actually, I think that is
3 not true.

4 Q. Do you know what a turnaround is?

5 A. Yes.

6 Q. What is a turnaround?

7 A. A turnaround is basically a complete
8 shutdown of a processing unit to rebuild it,
9 reconstruct it, whatever.

10 Q. One of the things they do as part of the
11 furnace around is strip the insulation off the unit
12 and put it back on, correct?

13 A. They don't necessarily do a complete
14 insulation removal and replacement, but certainly
15 any parts they have to work on or remove or change.

16 Q. There's a lot taken on and off?

17 A. Yes.

18 Q. And that would require the removal of a
19 lot of asbestos-containing products. Would you
20 agree?

21 A. Yes.

22 Q. Knowing that, Chevron never did any
23 testing or dust monitoring during that process?

24 A. Chevron probably wouldn't do it then
25 because at that point that part of the facility is
26

1 turned over to the outside contractor and they would
2 be responsible for that themselves.

3 Q. At that point Chevron's position was we
4 don't have to worry about it, it is the outside
5 contractor?

6 MR. LaSALA: Objection to the form.

7 A. Chevron had little or no personnel in the
8 area during a turnaround.

9 Q. How did you stop, for instance, when there
10 was a refinery near the water and the wind was
11 blowing, how did you stop the insulation, the dust
12 from blowing to other parts of the plant during the
13 turnaround?

14 A. I don't know.

15 Q. Chevron really never had any idea about
16 how much asbestos was released during the
17 turnaround, true?

18 MR. LaSALA: Objection to the form.
19 You can answer.

20 A. May have had a general idea, no
21 specifics.

22 Q. When you say general, what do you mean?

23 A. There would be some released during that
24 kind of work.

25 Q. But since no test was done, no one knows
26

1 how much?

2 A. I don't know for sure no tests were done.
3 I'm not aware of any.

4 Q. This is Mr. Spence. He says, the question
5 is, and the reason for that is that you know of no
6 measurements of dust done in Chevron plants during a
7 shutdown or turnaround, and he interrupts and says I
8 don't know whether measurements were made, and he
9 says he was no longer involved.

10 How about you? Do you know if they were
11 done?

12 A. I don't know if they were done, except
13 after the OSHA standard was put in place. Then it
14 would have been up to the outside contractor to take
15 care of that.

16 Q. Up until the federal government made it
17 happen, it didn't happen?

18 A. As far as I know, that's true. But I
19 don't know for sure.

20 Q. Now, the first surveys that were done for
21 release of asbestos in any Chevron plant were not
22 until 1972, correct?

23 A. I don't know.

24 Q. I put up on an interrogatory answer from
25 Chevron in another litigation and listed on than the
26

1 right side, it is not that clear, but I don't see
2 anything before 1972. You don't know one way or
3 the other?

4 A. I don't know one way or the other.

5 Q. The first precautions for asbestos in
6 Chevron refineries really didn't happen until the
7 late 1970s, true?

8 A. First precautions for --

9 Q. Asbestos in Chevron didn't happen until
10 the late 1970s.

11 To be fair to you, do you know this man
12 Vandivort?

13 A. No.

14 Q. He was a safety inspector in the Chevron
15 facility. You don't know who he is?

16 A. In Perth Amboy?

17 Q. No. I don't think he was -- El Segundo
18 maybe.

19 A. I don't know the name.

20 Q. I'll move past that.

21 In 1973, there was a safety audit. The
22 first ever safety audit was conducted in a Chevron
23 facility, correct?

24 A. I don't have that knowledge.

25 MR. PLACITELLA: Mark this P-14.

26

1 (The above document is marked as
2 P-14 for Identification.)

3 Q. For the record, you have in front of a
4 November 13, 1973 memo to Mr. J.D. Moore entitled
5 Safety Audit Oak Point Plant?

6 A. Yes.

7 Q. Correct. It was from a Mr. Blair?

8 A. Yes.

9 Q. That's the Mr. Blair whose deposition you
10 said you read or a different person? Different
11 person?

12 A. Blair? It could be.

13 Q. I'm sorry. Do you know who Mr. Blair
14 was?

15 A. Yes. Human resources personnel manager for
16 Chevron Chemical Company.

17 Q. The whole company?

18 A. Chevron Chemical Company.

19 Q. And did that include refineries?

20 A. No.

21 Q. What did it include?

22 A. The chemical facilities in 1973 were
23 pesticide plants, fertilizer plants, Oak Point
24 additives plant.

25 Q. Wasn't there a refinery at Oak Point as
26

1 well?

2 A. No. That may have been somebody else's
3 refinery. Not a Chevron refinery.

4 Q. It says safety auditor, Oak Point, first
5 ever in SOCAL. Does that refresh your recollection as
6 to whether this was first -- SOCAL stands for what?

7 A. Standard Oil Company of California. I don't
8 know who wrote that on there, so I don't know.

9 Q. And can we go to appendix A?

10 A. Okay.

11 MR. LaSALA: Now that you are
12 getting specific, I'm not going to direct him
13 not to answer, but I'm objecting to any questions
14 concerning any studies or dust counts that pertain
15 to any plant other than Perth Amboy as directed --
16 as recommended by the Special Master.

17 MR. PLACITELLA: I don't think I was
18 precluded from asking questions. You may not have
19 to give me anything, which is pretty clear I didn't
20 get it all.

21 So I had to do some of my own homework.

22 MR. LaSALA: There's been no
23 direction not to answer.

24 MR. PLACITELLA: I understand.

25 Q. Now, there's a form to fill out called
26

1 loss prevention program. Do you see that?

2 A. Yes.

3 Q. And go to page 3 for work area protection.

4 Rating was poor to fair, correct?

5 A. Yes.

6 Q. And for personal protective equipment the

7 rating was fair which meant partial, but

8 inadequate or ineffective provision, distribution

9 and use of personal protective equipment?

10 A. Specifically described along the right hand

11 border there.

12 Q. Talks about respirators and safety

13 showers, correct?

14 A. Yes.

15 Q. And the next page, when it talks about

16 environmental health, it is fair again. It says aware

17 of environmental hazards, but little evaluation of

18 the work environment to determine extent and degree

19 of possible employee exposure. Right?

20 A. Yes.

21 Q. Over to the right it talks about asbestos

22 and dust sampling not being done, right, way too

23 slow?

24 A. Yes.

25 Q. We are in the early 1970s and Chevron is

26

1 struggling with dealing with the new OSHA standards.

2 Is that a fair statement?

3 A. Yes, I think that would be a fair
4 statement.

5 Q. Now, if we dial back to the 1940s Chevron
6 was told specifically how to protect people like
7 Mrs. Horvath, true?

8 MR. LaSALA: Objection to the form.

9 A. Chevron was told specifically, no, I don't
10 believe so.

11 Q. You agree with me that way back in the
12 1940s Chevron was told they needed to make sure the
13 workers didn't carry carcinogenic materials home on
14 their clothing?

15 MR. LaSALA: Objection to the form.

16 A. I can't attest to what Chevron was told
17 back in the '40s.

18 MR. PLACITELLA: Mark this P-15, please.

19 (The above document is marked as
20 P-15 for Identification.)

21 Q. You have before you a January 28, 1948
22 report for information to members of the API Medical
23 Advisory Committee, not for publication. Do you see
24 that?

25 A. I see that.

26

1 Q. We established before that at this point
2 in time Chevron was a member of the API Medical
3 Advisory Committee, correct?

4 A. I think we did. I don't remember for
5 sure.

6 Q. And you recall I put it up there on a
7 screen to refresh your memory, that one of the
8 reports that was distributed throughout the API as
9 listed here was in fact this very report, correct?
10 Do you see it by title number 10?

11 A. I can barely make it out.

12 Q. Industrial work clothing, their provision
13 and laundering. We went over that before.

14 A. Yes.

15 Q. And this was authored by the same
16 Mr. Bonsib who authored the other reports we went
17 over this morning, correct?

18 A. Yes. As far as I know.

19 Q. The report starts out by saying modern
20 petroleum technology in the production of synthetic
21 hydrocarbon materials have introduced a number of
22 compounds and processes which may adversely affect
23 the health of workers unless certain precautionary
24 measures are practiced. Among these precautionary
25 measures which are receiving ever increasing
26

1 consideration at the present time is the issuance of
2 industrial work clothing to employees and the
3 installation of plant laundry facilities to ensure
4 that such clothing is properly cleaned and
5 maintained.

6 Did I read that correctly?

7 A. Looks right to me.

8 Q. Appropriate work clothes properly fitted
9 and maintained play a prominent part in an
10 industrial worker's health and safety. This is
11 especially true when persons are working with more
12 or less toxic or carcinogenic materials or where
13 cleanliness is a factor in the maintenance of
14 product quality? Do you see that?

15 A. Yes.

16 Q. Remember we went through the articles by
17 Hueper at this point in time that were also included
18 on that first sheet about asbestos and cancer. Do
19 you remember that?

20 A. Yes.

21 Q. We can skip over to, I think it is page 6.

22 A. I don't -- I guess it is that six.

23 Q. I was having a hard time.

24 A. Same as what you are showing on the
25 screen.

26

1 Q. It talks about what the laundry procedures
2 should be. Do you see that?

3 A. Yes.

4 Q. It says according to -- on the bottom,
5 total cost of laundering work close. According to
6 Mr. A.C. Pease, general superintendent of the
7 Bound Brook plant laundry, the total cost, including
8 labor, materials, rent, light, steam, water,
9 interest and amortization of laundry work clothes
10 is. 03 per pound of dry clothes. Do you see that?

11 A. Yes.

12 Q. The cost of labor and materials alone is
13 only .016 per pound of dry clothes. Do you see
14 that?

15 A. In dollars, yes.

16 Q. The best price that could be obtained from
17 an outside local laundry was .08 per pound of dry
18 clothes, correct?

19 A. Yes.

20 Q. So back in the 1940s Mrs. Horvath could
21 have been protected for less than a nickel a day,
22 according to this particular document?

23 MR. LaSALA: Objection to the form.

24 Q. True?

25 A. I don't know how much a pound of dry

26

1 clothes is.

2 Q. Well, it is certainly more than what one
3 man wears, isn't it? Let's say a dime. Cost a dime
4 a day to protect her?

5 MR. LaSALA: Objection to the form.

6 A. You could draw that conclusion from this
7 article.

8 Q. Because it was known that --

9 Now, sir, you recall we went through the
10 articles this morning about what was published in
11 the medal literature some 20 plus years later about
12 people, non occupationally exposed to asbestos
13 getting mesothelioma. Do you remember that?

14 A. Yes.

15 Q. Including housewives and residents, right?

16 MR. LaSALA: Objection to the form.

17 A. Whatever it says on that report.

18 Q. In fact, there was information that
19 actually made it to the popular press in the early
20 '70s, correct?

21 MR. LaSALA: Can I have that
22 question read back?

23 Q. I'll restate it. There was information
24 that actually made it into the popular press in the
25 early 1970 about housewives washing workers clothing
26

1 that could get cancer, right?

2 A. Well, it is hard to read that, but I'll
3 take your word.

4 Q. I don't want you to take my word.

5 While I'm getting the document, one of your
6 jobs was to respond to this kind of information on
7 behalf of Chevron, right?

8 A. If asked, yes.

9 MR. PLACITELLA: Please mark this P-16.

10 (The above document is marked as
11 P-16 for Identification.)

12 Q. Do you see the paragraph that says
13 Relatives and Neighbors?

14 A. Yes.

15 Q. Can you read that for the record, sir?

16 A. Relative and neighbors may be exposed to
17 airborne fibers carried home on the workers clothing,
18 he said, and people living in the vicinity of
19 asbestos factories are exposed.

20 Q. One of your jobs was to respond to this
21 article, right?

22 MR. LaSALA: Objection to the form.

23 A. What do you mean respond? Write a
24 rebuttal?

25 Q. To respond to employee questions about
26

1 what was appearing in the newspapers.

2 A. My responsibility would be to help the
3 local facilities deal with questions they may get
4 from an article like this.

5 Q. That's fair, but the problem was that when
6 you had to do that job, you had to do it with one
7 arm tied behind your back?

8 MR. LaSALA: Objection to the form.
9 Argumentative.

10 Q. Right?

11 A. Why are you saying that?

12 Q. I'm saying that because no one ever told
13 you about mesothelioma and low level exposures that
14 we went over this morning, no one ever told about
15 asbestos and cancer. Your boss never even told you
16 what he knew. So you had to respond to questions
17 about cancer without full information.

18 A. In 1973?

19 Q. Yes.

20 A. No. Asbestos standards came out in 1972.
21 The literature that supported it.

22 MR. PLACITELLA: Mark this P-17, please.

23 (The above document is marked as
24 P-17 for Identification.)

25 Q. You have in front of you, sir, a February
26

1 13, 1973 memo. Do you see that?

2 A. Yes.

3 Q. Who is that person requested by?

4 A. John Dotter. He was the president of
5 Chevron Asphalt Company.

6 Q. Who is SLD?

7 A. That's me.

8 Q. Have you ever seen this document before?

9 A. I wrote it.

10 Q. You wrote it?

11 A. Yes.

12 Q. Do you have any idea why this document
13 wasn't turned over to me as part of the production
14 from Chevron on its historical knowledge of the
15 dangers of asbestos?

16 A. No, I have no idea.

17 Q. It was certainly something you were asked
18 about in the prior deposition in 1997, correct?

19 A. This document?

20 Q. Right.

21 A. I don't remember.

22 Q. Certainly Chevron must have had its in its
23 possession if I got a copy of it.

24 MR. LaSALA: Objection to the form.

25 Q. Now, there were serious concerns by some

26

1 employees about what was being published, right, and
2 in fact, who, whose handwriting in this comment on
3 asbestos in newspapers?

4 A. I wrote this whole top sheet.

5 Q. Your job was to comment on articles on
6 asbestos in newspapers?

7 A. I was requested. In the shorthand of this
8 note, I was requested to comment on the articles on
9 asbestos. Probably that article you just showed me.

10 Q. And one of the things you wrote was an
11 article called, Is Asbestos a Killer? right?

12 A. I don't know, did I?

13 Q. Flip three pages.

14 A. I don't think I wrote this article.

15 Q. This article is attached to your memo.

16 It says the information in the newspaper was
17 misleading and alarmist.

18 Can you tell me what was misleading and
19 alarmist about that paragraph up there on the screen
20 for people who needed to be protected?

21 A. I think what it meant was that it painted
22 a very broad brush that anybody exposed to the
23 slightest amount of asbestos could be subject to a
24 killer time bomb. I consider that language
25 misleading and alarmist.

26

1 Q. So it was alarmist for somebody to be
2 informed that if they washed their husband's work
3 clothing they could get mesothelioma?

4 MR. LaSALA: Objection to the form.

5 A. I think the language of the newspaper
6 article was intended to be alarmist.

7 Q. What information did you provide to
8 workers in order to tell them that their families
9 were at risk of getting cancer if they washed their
10 clothing that was warn in the Chevron facility that
11 would not be an alarmist language?

12 A. I don't know what I wrote or would have
13 written at the time.

14 Q. What did Chevron tell its employees about
15 how to protect their family members from getting
16 cancer if they washed the employees asbestos laden
17 clothing?

18 A. I don't remember what these things you say
19 are attached to my memo. I just don't remember
20 which of these things actually went to employees, if
21 any, or which ones were drafts, which ones were
22 replaced.

23 Q. What was --

24 A. It is not clear to me.

25 Q. Let's skip down. You see under, Is
26

1 Asbestos a Killer? there's a question. I presume
2 this is supposed to somehow anticipate what an
3 employee might ask.

4 A. Yes.

5 Q. It says I've heard that exposure to
6 asbestos fibers, even for a short time, can cause
7 lung cancer. Is that true? Sir, without reading
8 what the response was, what was the truth in 1973?

9 A. To that question?

10 Q. Yes. I am asking you not to read.

11 A. I'm not reading. I am reading the
12 question again.

13 I would probably answer that that is not
14 true.

15 Q. It is not true?

16 A. Not true.

17 Q. That you that can't get mesothelioma from
18 short term exposure?

19 A. You are asking me to testify in an area
20 that I'm really not qualified to testify in. My
21 understanding of the information was, I'm not an
22 expert witness in this case, that my understanding
23 is that probably not.

24 Q. The response, however, itself is very
25 misleading, is it not?

26

1 A. I haven't read the response.

2 Q. The response says, I put it up on the
3 screen, one scientist noted that asbestos fibers can
4 cause lung cancer, but that it may not be detected
5 until 20 or 40 years. The disease is called
6 asbestosis. That's not cancer, is it?

7 A. No.

8 Q. Caused by the accumulation of asbestos
9 fibers in the lung which results in scarring.
10 Effects may be more severe for people who smoke,
11 have respiratory disease or are in generally poor
12 physical condition. Do you see that?

13 A. Yes.

14 Q. Does that answer the question as to
15 whether short term exposure can cause cancer?

16 MR. LaSALA: Objection to the form.

17 A. I don't think it answers the question, but
18 I don't know what this document was ever used for.

19 Q. If this document was given to employees,
20 that would be misleading, wouldn't it?

21 MR. LaSALA: Objection to the form.

22 A. It would be incorrect.

23 Q. Can you read for me your handwriting on
24 the front page, please?

25 A. Comment on articles re: asbestos in

26

1 newspapers. That was the request from Mr. Dotter.
2 RWA, first draft. Give to Bill Jones for
3 professional writing. Dave Atchison drafted
4 bituminal progress insert. Vetoed by JHD, that would
5 John Dotter. Wants bulletin board release. D.A.
6 re-drafted. SLD rewrote part and returned to D.A.

7 Q. Is this the draft --

8 A. I can't tell.

9 Q. What does it say on the last page?

10 A. I can't read it.

11 Q. Do you know whose handwriting that is?

12 A. No. It says key points.

13 Q. When the articles were appearing in the
14 press about --

15 A. Actually, to the best of my ability that
16 looks like my handwriting, but I don't know what it
17 says.

18 Q. When the articles were appearing in the
19 press about housewives getting cancer from washing
20 their husbands' clothing, as you sit here today can
21 you tell us what steps you took to confirm or deny
22 that information to the workers and their families?

23 A. I don't recall what steps I took to
24 confirm or deny that information.

25 Q. As a man who dedicated his career to
26

1 protecting the public health, what information, like
2 you saw this morning about people non-occupationally
3 exposed to asbestos getting cancer, was made known
4 to Chevron, what should Chevron have done with that
5 information in terms of communicating it to their
6 employees and their families?

7 MR. LaSALA: Objection to the form.

8 A. You are presuming that information was
9 made known to Chevron. I don't think I've agreed
10 that took place. There's always in the literature,
11 there's anecdotal evidence of things happening that
12 does not constitute scientific studies.

13 Q. But it certainly constitutes reason for
14 looking further, true?

15 A. It can.

16 Q. And when Chevron found out, for instance,
17 that there were refinery foremen in the '50s getting
18 mesothelioma, can you tell me as you sit here today
19 what Chevron did to follow up on that information?

20 A. I don't know when Chevron got that
21 information.

22 Q. It was published in the open medical
23 literature, correct?

24 A. It was published.

25 Q. It was available to Chevron because, as
26

1 you told me in the beginning of this deposition,
2 they have the money and the resources to know what
3 was in the open medical literature?

4 MR. LaSALA: Objection to the form.

5 Q. Correct?

6 A. I still don't know when Chevron actually
7 got that information.

8 Q. When we started here this morning you
9 didn't know that Chevron knew about asbestos and
10 cancer and today is there first day you ever found
11 that out before 1972, correct?

12 A. State that again?

13 Q. I'll withdraw the question.

14 (SHORT RECESS)
15

16 Q. As you sit here today having reviewed all
17 the information that Chevron has provided you, plus
18 your own recollection, do you have any evidence that
19 you can point to to show that Chevron warned the
20 employees at the Perth Amboy refinery that bringing
21 home asbestos on their clothing could cause members
22 of their family to get cancer and die?

23 A. I do not have any evidence.

24 Q. You have been extremely cooperative and
25 I'm going to hold to my word, although I have about
26

1 four other pages worth of stuff.

2 A. Thank you.

3 Q. I'll try to get you to your plane.

4 A. Thank you.

5 Q. I left three minutes for any other
6 lawyers who had any questions, as I promised I would
7 get done by 2 o'clock.

8 MR. LaSALA: Anyone else? Is that
9 it?

10 Just one housekeeping item. The
11 exhibits you showed him and he answered questions
12 about that you didn't mark, can we have copies.

13 MR. PLACITELLA: I'll make copies of
14 the slides.

15 (The deposition is adjourned at 1:35 p.m.)

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1 C E R T I F I C A T E

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3 I, MARC BRODY, Notary Public and
4 Certified Shorthand Reporter of the State
5 of New Jersey, do hereby certify that prior
6 to the commencement of the examination

7 STANLEY DRYDEN
8 was duly sworn by me to testify the truth,
9 the whole truth and nothing but the truth.

10 I DO FURTHER CERTIFY that the
11 foregoing is a true and accurate transcript
12 of the testimony as taken stenographically
13 by and before me at the time, place and on
14 the date hereinbefore set forth.

15 I DO FURTHER CERTIFY that I am neither
16 a relative of nor employee nor attorney nor
17 counsel for any of the parties to this
18 action, and that I am neither a relative
19 nor employee of such attorney or counsel,
20 and that I am not financially interested in
21 the action.

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23 Notary Public of the State of New Jersey

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